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THE
JAMMU AND KASHMIR PRAJA SABHA DEBATES
(Official Report)



VOLUME VI.

PART I

(5th April 1937)

SIXTH SESSION

OF THE

FIRST J. & K. PRAJA SABHA.



JAMMU:

Printed at The Ranbir Government Press—5-6-94—150.

1937.

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JAMMU AND KASHMIR PRAJA SABHA.

Monday The 5th April 1937.
The 24th Chet 1993.

The Praja Sabha met in the Praja Sabha Chambers at Ajaib Ghar at Eleven of the Clock. Mr. President (The Hon'ble Sir Lal Gopal Mukerji Kt.) in the Chair.

The Hon'ble President Sir Lal Gopal Mukerji Kt. took the oath of allegiance before the Hon'ble Officiating Prime Minister, Nawab Khusru Jang C. I. E.

The following gentlemen then presented themselves one by one before the Hon'ble President and were sworn in :—

Official Members.

1. Major General Nawab Khusru Jung, C. I. E. Hon'ble Officiating Prime Minister. (Cheers from the House)

Mr. K. N. Knox, I. C. S. (Retd.), C. I. E. Hon'ble Revenue Minister. (Cheers from the House)

3. Kanwar Capt. Hira Singh Ji, Political Secretary.

4. Rao Bahadur Col. Baldev Singh Ji Pathania, Governor of Jammu.

5. Mr. Abual Hussain Director of Education.

Non-Official Members.

6. Sheikh Mohammed Amin. Cheers from Conference Group)

7. Mian Qurban Ahmed. (Cheers from Conference Group)

8. Pir Hissam-ud-Din.

9. Subedar Khan Mohammed Khan. (Cheers from Conference Group)

10. Khawaja Ali Mohammed. (Cheers from Conference Group)

11. Haji Ahmed Ullah Shahdad. (Cheers from Conference Group)

12. Agha Syed Hussain Shah Jalali. (Cheers from Conference Group)

13. Khawaja Ghulam Mohammed Sadiq. (Cheers from Conference Group)

14. Khawaja Akbar Dar. (Cheers from Conference Group)

15. Mirza Mohammed Afzal Beg. (Cheers from Conference Group)

16. Khawaja Ghulam Hussan Malik. (Cheers from Conference Group)

17. Mian Ahmed Yar. (Cheers from Conference Group)

18. Sardar Dhian Singh.

QUESTIONS AND ANSWERS.

1. PANDIT AMAR NATH KAK (Srinagar City South) : Will Hon'ble the Home Minister be pleased to state :—

- (a) What was the total number of maternity (child birth) cases admitted in the Zenana Hospital, Srinagar, during the year 1993?
- (b) How many of them had safe deliveries *i. e.* the number of the cases in which both the mother and the child were discharged after delivery in a sound condition?
- (c) In how many cases both the child and the mother died in the Hospital or soon after discharge?
- (d) In how many cases one of the two (*i. e.* mother and child) died in the Hospital or soon after the discharge?
- (e) Is there any truth in the rumour that during the last three or four months about twenty deaths occurred in the Hospital or soon after the discharge amongst the maternity cases?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) :
The information is as follows :—

- (a) During the beginning from Katik 1993 and ending on Phagan 1993 the total number of cases has been 139.
- (b) 54.
- (c) 2.
- (d) *i.* Mother dead and child alive 12
ii. Still births and Craniotomies 71.
- (e) *Vide c* and *d* above.

2. PANDIT AMAR NATH KAK : Will the Hon'ble Home Minister be pleased to state :—

- (a) Whether at the time of raising, repairing or improving the protection Bunds, the earth required for that purpose is dug out of the adjoining land belonging to private persons also?
- (b) If so, whether any compensation is paid to the owners of the land for the earth thus removed?
- (c) If so, whether at the time of determining the quantum of compensation the depreciation in the future productive capacity of the land caused by the removal of the upper layer of the soil is taken into account?
- (d) If no compensation is paid, or, if compensation is paid and the loss in the future productive capacity of the land is not taken into account, will the Government pay the compensation and take the loss in the future productive capacity of the land into account at the time of awarding compensation, in future?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a), when earth is not otherwise easily available.

(b) Compensation is paid in all cases when pits are more than a foot in depth.

NOTE - The answer to parts (c) and (d) were given by the Hon'ble Revenue Minister as follows: -

(c) Consideration will be given to all reasonable points while determining the compensations.

(d) Does not arise.

3. PANDIT AMAR NATH KAK : Will the Hon'ble Minister incharge of the Industries Department be pleased to state :—

(a) Whether any agreement has been entered into by the State with any British Indian or a State-subject or both regarding the manufacture of paper?

(b) If so, what are the terms of the agreement?

(c) At what place is the paper mill to be established?

(d) Whether any condition has been imposed in the agreement on the grantee of these concessions to start the Industry at Muzaffarabad or some other suitable place within the State which could give employment to the inhabitants of those localities?

(e) Is it a fact that the agreement contains a condition that the paper will not be manufactured within the State? If so, what were the reasons for imposing such a condition? If not, why has not the grantee of these concessions been bound down to start the industry within the State?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Mr. K. N. Knox Revenue Minister) : (a) An agreement was entered into by the State on the 2nd of Assuj 1989 with Mr. T. J. Sullivan of Thames House, London.

(b) Mr. Sullivan agreed to purchase 12,000 fir and spruce trees per annum for 20 years with an option to purchase this quantity per annum for a second period of 20 years. He also agreed to utilize the timber obtained from these trees for the manufacture of paper pulp and for no other purpose. The price is Rs. 3 per tree between 18" and 24" diameter at breast height and Rs. 6 per tree 24" diameter and over.

(c) This has not yet been decided.

(d) The answer is in the negative.

(e) The answer is in the negative. The only clause bearing on the subject reads :—

"No guarantee is given that the pulp factory will be allowed to be erected within the State".

5. PANDIT AMAR NATH KAK : Will Hon'ble Home Minister be pleased to state :

- (a) Whether it is a fact that under the existing rules a current limiter is permitted to be installed upto a limit of four 16 candle power per consumer and that unit meters are to be installed when this limit is exceeded?
- (b) Whether it is a fact that the consumers are forced to instal unit meters irrespective of the quantity of energy supplied to them in case they do not confine the fittings to four points only?
- (c) If the answer to the above is in the affirmative, and as the current limiter does not permit the consumption of electric energy in excess of the capacity of the limiter, will Hon'ble the Home Minister be pleased to state why the Electric Department does not permit consumers to have fittings in their houses for more than four points, in case the consumers require light in different rooms at different times within the limit of the power paid for by them?

Will Hon'ble the Home Minister be pleased to issue instructions for granting such permissions as the prohibition is against the rules and inconvenient to the consumers?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) and (b) The general rule is to supply power on meter system but for the benefit of small consumers unmetered supply is permitted when the lighting load does not exceed 80 watts.

(c) Does not arise.

5. PANDIT AMAR NATH KAK : (a) Will Hon'ble the Home Minister be pleased to state whether the cost price of unit meter was Rs. 60 to Rs. 100 and that of the current limiter was Rs. 35 to Rs. 75 and whether the hire per month for these was annas 14 and 15 respectively during those days?

(b) Whether cost of the unit meter and the current limiter has now gone down considerably and stand at about Rs. 16 to Rs. 20 and Rs. 4/8/- respectively, while the hire per month now charged for the unit meter is annas 8 and for the current limiter is annas 3?

(c) Is it a fact that there is a rule which prescribes the rent (hire) per month of such articles at 10 per cent. their book value and such a rule is in fact being followed in the case of water meter at Jammu. Will the Hon'ble Home Minister be pleased to state why the hire for both unit meter and the current limiter has not been reduced in proportion to the fall in the cost price of the meter and the limiter?

(d) Will the Hon'ble Minister be pleased to reduce the rent proportionately and make it -/2/- and -/-/6 per month respectively which is the correct figure according to the above calculation?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) Originally the

price of watt-hour meters and current limiters varied from Rs. 40 to Rs. 120 and Rs. 35 to Rs. 45 respectively. The rent of these articles charged during those days was -/12/- to Rs. 3 according to capacity and -/5/- respectively.

(b) Yes, the prices have gone down now and the present rate of hire for meters is -/8/- to Rs. 2 according to capacity and -/3/- per current limiter.

(c) No.

(d) The question does not arise.

6. MOULVI MOHAMMED ABDULLA (Shah Hamdan Srinagar city :Muslim) : (a) Is it a fact that in the Praja Sabha, Standing Committees are usually formed the members whereof are paid T. A. as well?

(b) If the answer to (a) be in the affirmative, is it a fact that a certain sum was sanctioned for granting aid to indigenous physicians and that this matter was decided in a Standing Committee?

(c) If the answer to (b) be in the affirmative, will the Government please state what was the amount of the grant and what expenditure was incurred on the Standing Committee?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) Yes.

(b) Yes. The Praja Sabha passed a resolution which was accepted by the Government that a grant-in-aid of Rs 1,500 be given to Vaid and Hakims to encourage practitioners in indigenous medicines. The question of the distribution of this amount was considered in a meeting of the Standing Committee. This was not the only item of the Agenda of the Committee.

(c) Does not arise.

MR. M. A. BEG (Anantnag :Muslim) : Point of order Sir ! The answer may be read out louder.

THE HON'BLE MR. WAJAHAT HUSSAIN (Addressing the Hon'ble President) : I am afraid you shall have to use a loud-speaker Sir.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Yes it looks like that.

MOULVI MOHAMMED ABDULLA : My question is what other work was done during that session?

THE HON'BLE MR. WAJAHAT HUSSAIN : If you will put that question again, the reply will be given in the next session.

MOULVI MOHAMMED ABDULLA : My question was as to the expenditure incurred on this Committee. In reply the Hon'ble Home Minister said that the Committee was not appointed for one object merely. I ask what other works were done?

THE HON'BLE MR. WAJAHAT HUSSAIN : Just at present I do not have this information with me. If you will ask that question again it will be replied in the next session.

MOULVI MOHAMMED ABDULLA : I shall not be here in the

next session, who will put the question then.

A VOICE : Perhaps he too will not be here.

MAJOR GENERAL RAO BAHADUR THAKUR JANAK SINGH JI :
Your successors will be here. (Laughter)

7. MOULVI MOHAMMED ABDULLA : (a) Is it a fact that Kashmir is a part of the State, the inhabitants whereof are called "Kashmiris" and that no particular class there is called "Kashmiri" but rather the word "Kashmiri" is used for different classes which include both the agriculturists and the non-agriculturists?

(b) If the answer to (a) be in the affirmative, is it a fact that in Jammu province there are Kashmiris who belong to agricultural classes, and those who are hereditary agriculturists and also those who were granted certificates of being agriculturists prior to Samvat 1984?

(c) If the answer to (b) be wholly or partly in the affirmative, is it a fact that these Kashmiris in Jammu Province have been declared non-agriculturists because they are Kashmiris whereas in Kashmir Province there is no such disability for the people of Jammu Province?

COLONEL BALDEV SINGH PATHANIA : (a) Yes.

(b) Yes.

(c) No.

MOULVI MOHAMMED ABDULLA : Does it mean that only those Kashmiris will be regarded agriculturists who till the land themselves?

COLONEL BALDEV SINGH PATHANIA : One who is an agriculturist by profession will be regarded agriculturist.

8. MOULVI MOHAMMED ABDULLA : (a) Is it a fact that amongst those who were granted certificates of being agriculturists prior to Samvat 1984 in the Jammu Province, there are persons whose ancestral occupation is agriculture but in their certificates the word ancestral is missing?

(b) If the answer to (a) be in the affirmative, is it a fact that all persons who were granted such certificates prior to 1984 and whose real ancestral occupation is agriculture are agriculturists although the word ancestral is missing in the certificate?

(c) If the answer to (b) be in the affirmative, is it a fact that persons who have got such certificates and follow agriculture as their ancestral occupation have been declared as non-agriculturists because the word ancestral has not been formally entered in their certificates; for example such cases have been decided and are pending in Wazarat Mirpur?

(d) If the answer to (c) be that the absence of the word ancestral in the certificates renders the certificates useless, is it a fact that all certificates issued prior to 1984 are void because none of them contains word ancestral?

COLONEL BALDEV SINGH PATHANIA : (a) The certificates obtained by persons referred to by the Praja Sabha Sad show them as agriculturists. Whether such recipients were hereditary agriculturists could only be determined by a separate enquiry.

(b) and (c) Do not arise.

(d) Under the Alienation of Land Regulations Nos. 6 and 7 of 1990, these certificates have ceased to have any value.

MOULVI MOHAMMED ABDULLA : That means no enquiry will be made in this behalf in deciding the case of a person who has not obtained a certificate and to answer the question a separate case shall have to be lodged?

THE HON'BLE MR. K. N. KNOX (Revenue Minister) : No.

9. MOULVI MOHAMMED ABDULLA : (a) Is it a fact that the qualification of being an agriculturist depends on caste and not on any temporary profession and is this a fact that Kashmiri is neither a caste nor a profession?

(b) Is it wrong on principle or not, to determine agricultural classes in Jammu Province in consideration of profession ignoring the castes?

COLONEL BALDEV SINGH PATHANIA : (a) No. The agriculturists in the Jammu Province have been determined by "classes" and not castes. Classes, majority of whose members depend upon agriculture or occupations subservient to it, have been notified as agriculturists; whereas classes, majority of whom resort to professions such as trade, money lending etc., and not to agriculture as the main source of their livelihood have been excluded from the notified agricultural classes.

(b) Reply to part (a) above disposes of this part of the question also.

MOULVI MOHAMMED ABDULLA : I submitted that the Kashmiris are not a class but rather they form a community ("Qaum"). Your Honour replied that they are a class. I ask again whether the Kashmiris are a class or a community?

COLONEL BALDEV SINGH PATHANIA : A community. ("Qaum").

MOULVI MOHAMMED ABDULLA : Then the reply may be given with regard to the community. Will you not declare the community agriculturist.

COLONEL BALDEV SINGH PATHANIA : The reply includes mention about the classes.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Kukerji Kt.) : There is some misunderstanding.

The question No. 9 is (Reads). The answer may be explained again.

THE HON'BLE MR. WAJAHAT HUSSAIN : The term "agriculturist" is not defined according to caste or community but rather it

is defined according to occupation.

MOULVI MOHAMMED ABDULLA : I say the Kashmiri are a community but they have been declared agriculturists as a class. Class means Rainas, Thakars etc.

COLONEL BALDEV SINGH PATHANIA : This depends upon the profession. Those who have land are agriculturists.

MOULVI MOHAMMED ABDULLA : So that means all those who own land are agriculturists.

COLONEL BALDEV SINGH PATHANIA : Those who till the land themselves.

MOULVI MOHAMMED ABDULLA : Am I to understand then that the Kashmiris because of their being Kashmiris are not non-agriculturists.

MR. M. A. BEG (Anantnag : Muslim) : Supplementary question. Does this principle apply to Kashmir Province also?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : This cannot be a supplementary question.

10. MOULVI MOHAMMED ABDULLA : (a) Is it a fact that agriculturists are members of a certain caste and not of a certain professional class and is this also a fact that a professional class consists of persons belonging to different castes some of whom are agriculturists and others not?

(b) If the answer to (a) be in the affirmative, is it a fact that in Jammu Province certain professional classes, such as blacksmiths (Lohars) and carpenters (Tarkhans) have been declared agricultural classes and others, such as barbers (Hajjam), cobblers (Mochi) weavers (Bafinda), etc., have been declared as non-agriculturists?

(c) If the answer to (b) be in the affirmative, does the Government mean that an agriculturist can by changing his profession become a non-agriculturist and a non-agriculturist can similarly become an agriculturist?

COLONEL BALDEV SINGH PATHANIA : (a) The Member Praja Sabha is referred to reply to part (a) of Q. D. No. 39.

(b) Yes.

(c) Reply to part (a) of Q. D. No. 39 is clear and may be referred to. Lohars, Tarkhans etc. have been classified as agriculturists because their occupation is connected with and subservient to agriculture whereas Mochies, Bafindas etc., do not satisfy this criterion and they have therefore been excluded from the list of agricultural classes. Temporary change of profession of individuals does not alter conditions as the status of agriculturists is determined by classes and not individuals.

MOULVI MOHAMMED ABDULLA : My question is whether a cobbler who turns a blacksmith will become a non-agriculturist?

MAJOR GENERAL RAO BAHADUR THAKUR JANAK SINGH Ji : But that is not so in life.

11. MIAN QURBAN AHMED (Kathua : Muslim) : Will the Hon'ble Revenue Minister please state as to which class of State-Subjects is eligible for the membership of a Town Area Committee?

(b) Under what law Sheikh Asgar Ali elected member of Town Area Committee has been discharged and how has an elected member been replaced by a nominated member?

(c) Is it also a fact that in reply to my question No. 61 it was stated that the Wazir-i-Wazarat concerned after satisfying himself through an enquiry considered Fazal Din better in all respects?

(d) Was it ascertained at the time of enquiry that besides being an illiterate person his name has also been recorded in Register No. 9 by police? If these things have not been taken into consideration, why so?

COLONEL BALDEV SINGH PATHANIA : (a) The Praja Sabha Sad is referred to Section 7-A (1) (b) of the Town Area Regulation No. 4 of 1990.

(b) Sheikh Asgar Ali was discharged from membership under Section 7-A (1) (b) of the Town Area Regulation No. 4 of 1990. He was not elected but nominated as all the members of 1st Panchayats of all Town Areas were nominated under Section 5 (3) of the Town Area Regulation No. 4 of 1990.

(c) Yes.

(d) The entries in the Register No. 9 are confidential.

MIAN QURBAN AHMED : Will you please read out Section 7 of the Town Area Regulation No. 4 dated 1990.

COLONEL BALDEV SINGH PATHANIA : It is not available here.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You can see the Regulation yourself.

MIAN QURBAN AHMED : Did the Hon'ble Revenue Minister examine the file which shows that he was nominated or did he reply the question after seeing the report?

Did you look into the file sir?

THE HON'BLE MR. K. N. KNOX : No.

MIAN QURBAN AHMED : In reply to part (d) of the question it has been stated that the entries in Register No. 9 are confidential and that the local Wazir-i-Wazarat made an enquiry and was satisfied that Fazal-ud-Din was more competent. What did the local Wazir-i-Wazarat enquire into when the entries of the Register are confidential?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The reply has been given that the entries of the Register are of a confidential nature and therefore cannot be disclosed. That is why no further answer can be given.

12. MIAN QURBAN AHMED : Will Government please state as to what amount is being realised as sanitation fund in the Kathua District and what amount out of this fund is being spent at Kathua

and other places?

COLONEL BALDEV SINGH PATHANIA : A sum of Rs. 6,385 has been realised as Sanitation Cess in the Kathua District during 1992-93 and a sum of Rs. 5,550 has been spent on repairs and construction of old and new tanks and wells in that District during the same year.

13. MIAN QURBAN AHMED : Will the Hon'ble Revenue Minister please state from which fund are salaries paid to the Sanitary Inspectors?

COLONEL BALDEV SINGH PATHANIA : The Sanitary Inspectors are paid from the funds of the Town Area for which they work.

14. MIAN QURBAN AHMED : Will the Hon'ble Revenue Minister please state as to what was the purpose of having notified areas and what are the details of the annual income and expenditure of the Town Area Committee of Kathua? What amount is spent on the drains and the metalling of bazars of Kathua?

COLONEL BALDEV SINGH PATHANIA : 1st Part.—The aims and objects of having Town Areas are to make better provisions for water supply, Sanitation, Lighting and other necessary improvements.

2nd Part.—The total income of the Town Area Committee Kathua for the year 1993-94 amounted to Rs. 2,430 as detailed below :—

	Rs.
Dhart contract	... 1,550
Lorry stand	... 530
Slaughter House fees	... 75
Teh Zamini	... 250
Tonga stand	... 25

and expenditure for 1993-94 amounts to Rs. 3,493 as detailed below :—

	Rs.
Pay of establishment	... 1,668
Repairs and constructions	... 1 247
Contingencies and Stationery	... 578
Total	... 3,493

3rd Part.—A sum of Rs. 143 has been provided for improvement of drains. Metalling of Bazara has not been taken up yet.

MIAN QURBAN AHMED : On what repairs has this fund of Rs. 1,747/2/- been spent?

COLONEL BALDEV SINGH PATHANIA : It is not known. The information will be supplied after enquiring.

15. MIAN QURBAN AHMED : (a) Will the Hon'ble Revenue Minister please state whether any officer checks the cattle of the Bakarwals or Gaddies when they move from Jammu Province to Kashmir Province and vice versa?

(b) If the answer to the above be in the affirmative, will the Government please state whether there are any instructions for the Lambardars and Patwaris who harass the Bakarwals and Gaddies to get bribes by checking their cattle again and again at every Parao even when an officer has already checked them?

If there are no such instructions, will the Hon'ble Revenue Minister please issue instructions so that these poor people may be relieved from the troubles of getting their cattle checked at any Parao?

COLONEL BALDEV SINGH PATHANIA : (a) Yes.

(b) Lambardars and Patwaries are required, under rules to check the moving livestock. Frequent checks by different officials are necessary in the interest of Government revenues to prevent fraud and smuggling.

Government is not aware of any cases of harrasment of Bakarwals and Gaddies but if the Praja Sabha Sadh can supply specific instances, the complaints will be inquired into and suitable action taken against delinquents.

16. SARDAR MAL SINGH : (a) Is it a fact that the expenditure of the Industries Department on the pays and travelling allowances of the staff alone amounts to Rs. 21,900 per annum and that this Department is, at present under the control of a Deputy Director and one Assistant?

(b) Is it also a fact that the total expenditure of this Department including the Mining Department is nearly Rs. 8,000 per annum?

If the answer be in the affirmative, will the Government please state whether inspite of such heavy expenditure this department has been of any use to the people? Besides what work is the Industries Department doing on the pays of the staff of which 22,000 rupees are being spent every year?

COLONEL BALDEV SINGH PATHANIA : (a) The expenditure on account of Travelling allowances and Establishment of the Direction Office comes to Rs. 19,868 and not Rs. 21,900.

Yes it is under the control of the Deputy Director of Industries as the Head of the Department.

(b) No, not Rs. 8,000 but expenditure on account of Direction, Industries, Mining and Government Exhibition comes to Rs. 68,800.

The Department of Industries is doing useful work. Steps taken by the Department so far to assist the development of the Industry and the trade of the country included :—

1. Demonstrations.
2. Consultation and advice.
3. Dissemination of Industries intelligence.
4. Research and Semi-Commercial Experiments.
5. Encouraging local manufacture by preference given in the purchase of civil requirements.
6. Standardization of Products.
7. Participation in and outside Exhibitions and holding and organizing local Exhibitions so as to given widest publicity to the local products.
8. Helping formation of local bodies as Trades and Industries Associations.
9. Provision of facilities in the shape of registration of Joint Stock Companies and Sealing of patents and designs.
10. Provision of technical instruction in different arts and crafts and Industries by opening technical schools in all important centres.
11. Building demonstration factory and leasing it out after it proved successful.
12. Raising protective and differential tariff and raising duties on imports of manufactured products as against imports of raw material.
13. Special inquiry and investigations (sheep industry and textile Industry).
14. Issuing departmental bulletins.
15. Advancing loans in special cases.
16. Grant of exculsive concessions in the shape of exempting raw materials, chemicals etc. from Customs duty.
17. Putting local trade and manufacturers in touch with outside likely customers and securing the patronage of the Indian Stores Purchase Department.
18. Granting local firms and manufacturers supply contracts even in respect of articles made outside the State.
19. Grant of subsidies to important industries so as to sustain them in periods of depression.
20. Granting prospecting licenses for exploring likely mineral deposits and granting mining leases of proved mining deposits.
21. Declaration of the Governments industrial policy.

22. And by providing State Aid to Industries Act under which qualified industrialists can obtain loans.

SARDAR MAL SINGH : How many factories have been opened up to this time?

COLONEL BALDEV SINGH PATHANIA : You did not ask this in your question. This is a new question.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji : The reply to this question will be found in other questions.

NOTE — The Hon'ble President desired question No. 19 to be replied after question No. 16 but Lala Shiv Nath Nanda and Pt. Gobind Ram Kabu remarked that questions No. 17 and 18 had not been replied to. Thereupon the Hon'ble President remarked that these two questions had been withdrawn.

19. LALA SHIV NATH NANDA (Srinagar city : Hindu other than Kashmiri Pandits) : Is it a fact that for establishing a Kashmir State Bank a scheme was drafted by Mr. S. N. Pochkanwalla? In order to give this scheme practical shape the traders had purchased the total number of shares of nearly eight lakhs of rupees within a few days. After six months our Government postponed this scheme and the entire sum together with the interest was returned to the traders. If the answer be in the affirmative, will the Government please state as to why the working of this scheme was postponed after so much labour and expense? Will Government start this scheme afresh so that there may be some improvement in the economic condition of the people?

THE HON'BLE RAO BAHADUR AHAKUR KARTAR SINGH Ji : The Sabha Sad is referred to the answers to question No. 44 asked by Mirza Ali Mohammad in the Srinagar Session of October 1934, to the answer to Question No. 393 asked by Lala Shiv Nath himself at the Jammu Session 1935, and to the answers to Questions No. 316 and 320 (b) asked by Mian Ahmed Yar at the last Jammu Session. The scheme was postponed as stated for want of adequate response from the public and unless a well considered representation containing an assurance of public co-operation is received the position cannot be reviewed to good purpose.

The answer to the latest questions on the subject asked by Mian Ahmed Yar reproduced below :—

320 (b) The Sabha Sad is referred to the answer to question No. 44 asked by Mr. Ali Mohammad in the Srinagar Session of October 1934, and to the answer to question No. 393 asked by Lala Shiv Nath Nanda at the last Jammu Session. As stated at the last Jammu Session the proposal for the so called State Bank could not be enforced for want of adequate response from the public, and unless a well considered representation containing an assurance of public co-operation is received the position cannot be reviewed

as stated in answer to previous question on the subject.

NOTE.—After the reply to this question was read out by the Hon'ble Finance Minister, he, by way of explanation said, "This matter has come up before the Unemployment Commission, and in the meeting of the standing Finance Committee also which was held two or three days ago where it was decided that this matter will be considered by the unemployment Commission."

20. LALA SHIV NATH NANDA : Is it a fact that according to the rules of the Electric Department every person who wants to have an electric connection in his house has to pay, besides the monthly charges, some extra amount in advance?

(b) If the answer be in the affirmative, will the Government please state how much money since the enforcement of this regulation upto 15th February 1937 has been deposited in the State Treasury by the Electric Department? If the money thus deposited comes to several thousands it may please be stated how far is it justified to let such huge amounts lie in the Treasury without interest and without any cause in these days of economic depression?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) A deposit of Rs. 2 per point is realised before connecting an installation.

(b) A sum of Rs. 18,934 stands at credit of the consumers of Srinagar supply centre as deposit on first March, 1937. No interest is payable on such deposits.

21. LALA SHIV NATH NANDA : Is it a fact that the Electric Department has issued orders that if, according to the rules of the Electric Department electric charges are not paid up by the 15th of a month a fine of 2 annas per rupee may be charged?

If the answer be in the affirmative, will the Hon'ble Home Minister please state how much money thus realized from fines since the enforcement of this regulation has so far been deposited in the State Treasury?

HON'BLE MR. WAJAHAT HUSSAIN : An extra charge at the rate of -/2/- per rupee is made when payment is delayed beyond a specified date.

The time has been too short to collect the information, but it will be supplied at the next session.

LALA SHIV NATH NANDA : The reply will be given to some one else in the next session.

HON'BLE MR. WAJAHAT HUSSAIN : No, you too will be here and the reply will be given to you.

22. LALA SHIV NATH NANDA : Is it a fact that a certain member asked the following questions during the last Srinagar session of the Praja Sabha?

Q. D. No. 804 Is it a fact that His Highness the Maharaja Bahadur had issued orders for the dismissal of Mr. Chet Ram Kohli Deputy Director Industries and the orders were withheld in the office of the Hon'ble Revenue Minister? If it is a fact will

the Government please state why these orders were not issued when even the other Ministers had made unfavourable remarks against Mr. Kohli?

Q. D. No. 817. Will the Government please state whether His Highness when he was a member of the State Council had issued a warning for misconduct and inefficient work to Mr. Kohli? If the answer be in the affirmative, what are the reasons for allowing him to continue as Deputy Director upto now?

Is it a fact that these questions were withdrawn by the member? If the answer be in the affirmative, will the Government in order to remove the misunderstanding which has arisen because of the withdrawal of questions 804, and 817, please answer these questions so that it may be possible to know the real facts of the case?

COLONEL BALDEV PATHANIA : These questions were replied to at the last session.

LALA SHIV NATH NANDA : The reply that was given in the last session may please be read out so that the other members may also hear it.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It is not here. It has to be searched. If it is found it will be read out just now. I will send for it.

23. LALA SHIV NATH NANDA : Is it a fact that Moulvi Nazir Ahmed, in the capacity of Education Minister had issued an order that the same books should form the course of reading both in Sri Ranbir High School, Jamm and in Sri Partap High School Srinagar? If the answer be in the affirmative will the Government state why this order has not been carried out upto now?

THE HON'BLE MR. WAJAHAT HUSSAIN : Yes. So far as it relates to Primary and Middle classes no complaint has yet been received. However there is some complaint regarding a few books for the high classes and arrangements in this behalf are being made.

LALA SHIV NATH NANDA : Till when?

THE HON'BLE MR. WAJAHAT HUSSAIN : In a day or two.

24. CHOUDHARI ABDUL KARIM (Mirpur, Kotli : Muslim) : (a) Is it a fact that on behalf of the Government it was stated in reply in Srinagar session that some suitable scheme will be devised by the month of March 1937 to join the Mirpur-Gutalian road with Jhelum?

(b) If so, what scheme has been devised?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) The answer given at the last session was that the Punjab Government had replied to our communication that it was not possible for them to arrange appropriation of money for Central Road Fund out of the Reserve Fund regarding this scheme until the month of March 1937.

His Highness' Government had held no such promise that a scheme in this behalf will be chalked out before the month of March.

(b) No further reply has been received from the Punjab Government.

25. MR. ABDUL KARIM : (a) Are Government proud of the fact that the number of students in the middle school at Dadyal in Mirpur is fast increasing?

(b) About half the population of Tehsil Mirpur is inhabited round the said school. Will the Government considering the backwardness of the people and their majority give them an occasion to be thankful to the Government by opening a High School there?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) No. Because there are some middle schools in the State where the number of students is greater than that at Dadyal.

(b) It is difficult to open a new high school at present.

26. MR. ABDUL KARIM : (a) Is it a fact that recently 25 per cent. duty has been imposed on the import of cotton seeds (Banola)?

(b) Was it not complained by the public that the customs duty is already too high and it should be reduced by allowing commission?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : (a) and (b) This was done through misinterpretation of an order and has since been discontinued.

27. MR. ABDUL KARIM : Is it a fact that the trees which have been marked in the Shamilat-i-Deh in District Mirpur consist of ordinary brushwood such as Kikar, Beri etc., and that there are no superior kind of trees among them?

THE HON'BLE MR. K. N. KNOX : Yes.

28. MR. ABDUL KARIM : Is it a fact that all those brushwood trees which are found in Shamilat-i-Deh are the result of the labour and the care of the zamindars? Under these circumstances will Government oblige the people by allowing the trees without any compensation etc.? If not, why?

THE HON'BLE MR. K. N. KNOX : These trees are of indigenous growth and as such belong to the Government. No question arises of allowing them free to the people.

29. LALA LAJPAT RAI (Jammu Wazarat : Hindu) : (a) Will Government please state whether any working hours have been fixed for the employees of the Sericulture Department Jammu? If so, how much time from morning to evening has been prescribed for the purpose?

(b) If the answer be in the affirmative, what are the reasons for laying down the same rules for both the Jammu and Kashmir Silk Factories?

THE HON'BLE K. N. KNOX : (a) Factory working hours for about ten months are 7 A. M. to 5 P. M. with an interval for one

hour in the middle for meals and for about two months 5 A. M. to 12 noon.

Both the wage earners and the concerned staff attend these hours.

Office working hours are 10 A. M. to 5 P. M. for about ten months and 6 A. M. to 12 noon for about two months.

(b) It is regretted that the question is not understood.

30. LALA LAJPAT RAI : (a) Will the Government please state whether any wages are allowed to the carriers of the iron cages of rats and other camp articles of the Plague camps shifting from village to village? — If not, what are the reasons?

(b) If the answer be in the affirmative, why those poor men who carry iron cages from village to village are not paid any wages?

THE HON'BLE MR. WAJAHAT HUSSAIN : There are three ways of removing traps from one village to other. One is when the whole camp is removed together with whole of the furniture and the other is when traps only are removed from one village to another distant village and the 3rd is when the traps are removed by the villagers themselves for their own use from one village to the adjacent village. In the case of Nos. 1 and 2 wages are paid but in the case of No. 3 no wages are paid because the villagers remove the traps for their own use.

31. LALA LAJPAT RAI : Are the Government aware that while going to the fair of Bahu fort the public have to face much difficulty in crossing the Nullah Khad near Machhwa Tawi when it is in flood and the way is almost blocked. Will the Government remove this inconvenience by constructing an ordinary bridge at this place?

THE HON'BLE MR. WAJAHAT HUSSAIN : There is no necessity for a bridge as the river is very low at the time of the fair.

32. LALA LAJPAT RAI : (a) Will the Government please state whether the Tonga Stand Sabzi Mandi where there is a great rush of traffic is causing great danger to the public so much so that a poor boy had lost his life by having been run over there?

(b) What objection do Government have in shifting this Tonga Stand to some other place in view of the danger to the public?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : Purani Mandi Tonga Stand has already been shifted to a vacant site near Parade Ground Sub-station and the question of selecting a more suitable site for the purpose is also receiving consideration.

33. LALA LAJPAT RAI : (a) Are Government aware that the unclaimed bullocks are often found roaming in the bazars and streets of Jammu City which is source of danger to the children of tender years?

(b) Will Government please take necessary steps for sending such bullocks to any forest?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji : The matter is already under correspondence with the Dharmarth Department. The Committee has requested the Officer in-charge Dharmarth Department to keep the unclaimed bullocks in Rakh Miransahib.

NOTE.—After reading out the written reply the Hon'ble Finance Minister said as under:—

I would also add that the people should be more strict in letting loose their oxen and that they should not let loose one ox per head as heretofore.

34. MIAN AHMED YAR (Muzaffarabad : Muslim) : Will the Hon'ble Revenue Minister please state :—

(i) In which particular districts of Jammu and Kashmir State and with effect from which Samvat year has permanent Kahcharai fee been imposed?

(ii) Under what principle and for what reasons is the Kahcharai fee charged?

(iii) Do Government possess any reasons for continuing this permanent Kahcharai Tax in the State even after the ownership of land having been granted to the people?

THE HON'BLE MR. K. N. KNOX : The principle of realizing fixed demand under Kahcharai was introduced in the Muzaffarabad District by the Council Resolution of 14th July 1890 and in the rest of the State by Ailan No. 22 of 24th Magh 1963.

(ii) The Kahcharai Tax is imposed on the principle that Government is entitled to a share of the profits from the produce of land. The reason for its levy is that the zamindars derive benefit from the grazing facilities available in common pastures, Khalsa areas and State Forests.

(iii) Yes, as zamindars derive benefit from grazing facilities available the grant of proprietary rights does not change the situation.

MIAN AHMED YAR : I have enquired about the imposition of this tax in each and every district in the State but the reply is only given with regard to Muzaffarabad District.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : He says that the question related to Jammu and Kashmir State and the answer is confined to Muzaffarabad District. Further answer is needed.

THE HON'BLE MR. K. N. KNOX : It is stated that according to the law, as Settlement came along, the tax was made permanent according to Ailan No. 22 of 1963.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : He says that in the rest of the State Ailan No. 22 of 1963 has been followed. The answer is quite complete.

MIAN AHMED YAR : Was it done by one and the same order in all the districts of the State?

COLONEL ABDUR REHMAN (Udhampur Wazarat : Muslim) : Why and on what principle is this tax levied at those places where there are no grazing grounds. When there are no Government grazing fields why is permanent Kahcharai realized there?

THE HON'BLE MR. K. N. KNOX : So far as I remember Kahcharai has been remitted there.

COLONEL ABDUR REHMAN : In the interior of the Illaqa it has not been remitted. It may be in the outlying parts of the Illaqa.

COLONEL BALDEV SINGH PATHANIA : Please quote some specific instance and it will be enquired into.

COLONEL ABDUR REHMAN : Kahcharai has not been remitted in the central parts of the Illaqa of Udhampur, Ramnagar, Rajouri etc. It has been remitted only in Illaqa that are situated on the boundary line. It may please be stated why is this tax imposed on such cattle that do not go out for grazing.

THE HON'BLE MR. WAJAHAT HUSSAIN : That is a new question.

COLONEL BALDEV SINGH PATHANIA : It is a new question.

COLONEL ABDUR REHMAN : Not at all. This question has been put regularly for the last three years.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Better put in a fresh question with details. A reply to this will be called for

COLONEL ABDUR REHMAN : Sir, this question has invariably been asked during the last three years. The Kahcharai Regulation was brought before the House and it is again lying on our tables. It was on account of this very Regulation that we the members had submitted resignations but the Regulation is put on our tables again. (Cheers from Conference group)

I submit why should Kahcharai fees be realized for a horse that remains tied within a house for all the twenty-four hours.

MIRZA M. A. BEG : It has been admitted in the House that there are no grazing grounds and yet the tax has been realized. The reason perhaps may be known to the Government.

MIAN AHMED YAR : Was not the attention of the Hon'ble Revenue Minister ever drawn to these facts and did he not receive any written submissions regarding certain places in the Muzaffarabad District where this tax is realized inspite of there being no grazing grounds and that the realization of the tax be stopped.

THE HON'BLE MR. K. N. KNOX : I receive many applications and I do not remember of any such application just at present.

COLONEL ABDUR REHMAN : At the time of assessment all the land is assessed to land-revenue although half the land is left out for grazing purposes. Supposing the revenue paid for the land is

one rupee then eight annas out of that sum are charged for grazing the rest eight annas for the produce. Similarly if a person owns land worth a lakh of rupees it becomes imperative for him to set aside land worth half a lakh for grazing purposes.

PANDIT LOK NATH SHARMA : Point of order, Sir ! Are not we pre-judging the Kahcharai Regulation which has to be introduced in this session.

COLONEL ABDUR REHMAN : Please do not speak in English. Say that in Urdu.

PANDIT LOK NATH SHARMA : The Kahcharai Bill is about to be placed before the House in this session. Are not you getting the decision of the Government before-hand by discussing like this. You have entered into a discussion.

COLONEL ABDUR REHMAN : It is not a discussion. It is a supplementary question.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : (Addressing Colonel Abdur Rehman) You go on with your question.

COLONEL ABDUR REHMAN : Kahcharai tax is charged from us even if we set apart our own land for grazing.

PANDIT RAM CHANDRA DOBEY : The issue will be cleared only in this manner. Land is of two kinds—one Khalsa and the other owned by the zamindar over which Government has no right to levy Kahcharai. If Government wants to levy Kahcharai it should charge the same for Khalsa land and such Government forests where facilities are provided for grazing cattle.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : But how can this matter be decided in any question?

MOULVI MOHAMMED ABDULLA (Shah Hamdan Srinagar City : Muslim) : The question is why is Kahcharai realized on land that is neither Khalsa nor covered by Government forests. In the reply it is stated "yes".

MIRZA M. A. BEG : What Colonel Sahib means is on what principles is tax realized for such areas as are neither Khalsa nor are under any Government forests.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Yes, the question is clear.

MIAN AHMED YAR : I have to submit one thing for the ruling of the chair. Rule 40 says that 'any member may put a supplementary question for the purpose of elucidating any matter of fact regarding which an answer has been given' but here the supplementary questions are avoided by the mere remark that 'it is a new question'. The parliamentary practice is quite clear. 17, 20 or 25 questions are put as supplementary questions.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : But the question must be directly connected with that matter.

MIRZA M. A. BEG : Is this tax being levied in the municipal

areas and under what rules?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : This is a new question.

COLONEL ABDUR REHMAN : My question was why should Kahcharai be realized for grazing grounds which are not owned by the Government.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : This does not arise from your question, it is a new question.

MAJOR ATTA MOHAMMED KHAN (Reasi : Muslim) : Supplementary question (Laughter)

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Now we have passed on to the next question. If you want to ask any other question you may send the same in writing.

35. MIAN AHMED YAR : Will the Hon'ble Revenue Minister please state reasons for amending the concessions granted by His Highness the Maharaja Bahadur on the occasion of the Coronation Durbar regarding the entry of the entire Khalsa areas as Shamilat-i-Deh and issuing orders for entering only limited Khalsa areas as Shamilat-i-Deh instead of entering the whole of it as such?

THE HON'BLE MR. K. N. KNOX : The Praja Sabha Sad is evidently misinformed. It was no where stated in the original proclamation announcing Raj Tilak boons that entire Khalsa areas should be entered as Shamilat-i-Deh. What was to be allotted as Shamilat was Khalsa common land in the vicinity of the village site and its extent had not been defined. Detailed rules were framed to implement this boon under which Shamilat is assigned up to cent. per cent. of the basic cultivated area. The boon proclaimed has been implemented.

MIAN AHMED YAR : What are those words of Ailan No. 4 which can signify that all the Khalsa areas be not entered into Shamilat-i-Deh? Where are the restrictions laid down in the Ailan with regard to all the Khalsa areas?

THE HON'BLE MR. K. N. KNOX : I have not got the Ailan here. The term common land in the vicinity of the village requires definition and it will be defined liberally.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : (Addressing Mian Ahmed Yar) It is a question of interpretation. He says that as he interprets it the procedure followed is correct.

MIAN AHMED YAR : On what principle was this practice followed?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Your question was (read out the original question from the question list). The answer is that the whole of it was not intended to be given.

MIAN AHMED YAR : There remains some point of dispute in the wordings of the question and the wordings of the Hon'ble

Revenue Minister's reply. No reasons have been stated for the restrictions. What has to be noted is whether the reply to the question has been given properly or not.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : My duty is to see whether a question is answered or not. I cannot substitute or act.

MIAN AHMED YAR : In conducting Settlement in the State were conditions prevailing in the Punjab borne in mind?

THE HON'BLE MR. K. N. KNOX : Notice is required.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It is very difficult to hear each other. Please move your chair forward.

MIAN AHMED YAR : I will speak louder. It is un-parliamentary to move a chair forward like the students. With regard to the enforcement of Settlement operation in different districts of the State the principle of settlement enforced in the adjoining British districts was always followed. Would you like to show what principle was adopted with regard to the entry of Khalsa lands and from what British districts?

THE HON'BLE MR. K. N. KNOX : I am not prepared to say anything. It requires notice.

MIAN AHMED YAR : May we expect the reply later on.

THE HON'BLE MR. K. N. KNOX : I should like to have the question in writing.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Put the question in writing.

36. MIAN AHMED YAR : (1) Will the Hon'ble Revenue Minister be pleased to state whether there are any restrictions imposed on the 'Firms' contractors of the Forest Department for employing labour from outside the State instead of employing labour (local) for sawing the timber and transporting it to other places?

(2) If the reply to part (1) be in the affirmative, it may please be stated whether the firms are abiding by restrictions? If not, will Government demand an explanation from them?

THE HON'BLE MR. K. N. KNOX : (1) Yes

(2) So far as my information goes the answer is in the affirmative. The second portion does not arise.

MIAN AHMED YAR : If I supply this information, will any action be taken on it?

COLONEL BELDEV SINGH PATHANIA : Certainly.

37. MIAN AHMED YAR : Will the Government please state at to :—(i) What principle has been followed in fixing Road Toll in Jammu and Kashmir State?

(ii) Has any instance of any road of British India been kept in view in fixing the rate of Road Toll? If so, the instance of which road has been kept in view?

(iii) If the reply to part (ii) be in the negative, it may be stated as to what principle has been followed in fixing proportion of road for two different roads in the State?

(iv) What reasons have the Government for levying the same road toll for two roads of different lengths; that is Jhelum Valley Road and Banihal Cart Road which are 132 and 222 miles respectively?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI :
(i) Road toll is levied to meet a part of the heavy expenditure incurred annually on the maintenance of a road and this very principle has been adopted in the State.

(ii) No. Ours is the longest mountain road in the world and kept in the best possible condition. No mountain road in British India could thus serve us as model.

(iii) and (iv) The uniform rates of road toll have been fixed for popularising Banihal Cart Road and developing Inter-Provincial trade in the State. The Praja Sabha Sad may, however, be knowing that the road from Suchetgarh to Kohala is a single whole though called differently and road toll is charged at 2 points on this road viz. Banihal and Domel. Banihal is at a distance of 137 miles from Suchetgarh and Domel at a distance of 193 miles from Banihal. The balance thus is in favour of Domel.

MR. G. M. SADIQ (Amira Kadal Srinagar City : Muslim) :
The member may be asked to be a bit louder. We cannot hear.

MIAN AHMED YAR : Are you aware of the fact that on Murree road which is as clear as glass only Rs. 2 are charged as road toll for sixty-four miles. Why should not the same rate be fixed here?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI :
It may be; they are charging Rs. 2 there; but that is the business of the Punjab Government we have nothing to do with that.

38. MIAN AHMED YAR : Is the Hon'ble Revenue Minister prepared to issue orders to the subordinate staff in every Tehsil :—

(i) That they should not take without the consent of the zamindars and other labourers and beasts of burden and provisions for the touring officers, visitors and for other purposes,

(ii) that in all halting stations and villages contractors should be appointed who may make arrangements for the supply of provisions, labour, pack animals and riding animals?

THE HON'BLE MR. K. N. KNOX : Nothing is taken from the zamindars for touring officers and other travellers without their consent and everything taken from them is fully paid for.

(ii) Contractors for the supply of rations, coolies, pack and riding ponies are already appointed at almost all important stages. At places where nobody comes forward to work as a contractor the

Revenue Department is obliged to make such arrangements through the Zaildars and Lambardars of the Illaqa on cash payment at full rates.

Question No. 39. Disallowed.

40. KHAWAJA ALI MOHAMMED (Fateh Kadal Tankipura Srinagar City : Muslim) : Will the Hon'ble Revenue Minister please state :—

- (a) Whether the poor zamindars of Pulwama raised a hue and cry against Thakur Zafar Singh, Tehsildar Pulwama?
- (b) Did articles relating to his oppressions and irregularities many times appear in the news-papers?
- (c) Did the inhabitants of Tehsil Anantnag and Pulwama also, growing sick of his oppression, raise a voice against him?

If the answer to (a), (b) and (c) be in the affirmative, have Government taken action against such a cruel Tehsildar and will Government appoint a commission to inquire into his harsh treatment? If not, why?

THE HON'BLE MR. K. N. KNOX : (a) No such complaint has been received.

(b) Some articles appeared in some vernacular papers about Thakur Zafarsingh but no enquiry was considered necessary as there was no definite complaint therein.

(c) No such complaints have been received. In view of the replies given above this question does not arise.

41. KHAWAJA ALI MOHAMMED : Will Government please state :—

- (a) What expenditure has been incurred on the road from Police-station Awantipura to Tral which was constructed before the arrival of His Excellency the Viceroy?
- (b) Has the whole of this road been constructed on the same model and is a part of this road from Police-station Awantipura to Lalgam in a worse condition than it was before?

If the reply to part (b) be in the affirmative, why has money in respect of this part of the road been sanctioned and paid to the contractor?

THE HON'BLE MR. K. N. KNOX : (a) Rs. 21,482.

(b) No. The road is now semi-metalled and wider than before. Even the portion mentioned is much better than before.

(c) Does not arise.

42. KHAWAJA ALI MOHAMMED : Is it a fact that :—

- (a) A commission was appointed to enquire into the serious allegations against Thakur Goverdhan Singh?
- (b) If the reply to the above be in the affirmative, will

Government please place on the table a copy of the report of the commission and it may also be stated as to what action was taken on it?

THE HON'BLE MR. K. N. KNOX : (a) No such commission was appointed.

(b) Does not arise.

43. KHAWAJA ALI MOHAMMED : Will Government please state :—

(a) The total number of the Patwaris in Kashmir valley? How many of them are Muslims and how many non-Muslims?

(b) How many of these Patwaris are such who are on the verge of retirement on account of old age?

(c) Are Government in view of the deficient proportion of the Muslims prepared to retire these old Patwaris and to employ the Muslim candidates in their places?

(d) Are Government prepared to establish a training school for imparting training to the Muslim candidates? If not, why?

THE HON'BLE MR. K. N. KNOX :

(a)	Total No.	Muslims.	Non-Muslims.
	488	87	401

(b) 13

(c) It is not advisable to retire these Patwaris prematurely. The claims of the Muslims will, however, receive due consideration when vacancies actually occur.

(d) Some candidates are already being trained for Patwarship. The question of Patwar training school will be taken up when the Department finds that the opening of such a school is really needed.

KHAWAJA ALI MOHAMMED : In reply to part (b) the number given is 13. My question is (reads out the question again from the list of questions) cannot 13 people be retired inspite of their being over age?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Their retirement stage has not yet reached.

44. SARDAR HARI SINGH : Will Government please state whether the ex-Revenue Minister Mr. V. N. Mehta nominated one graduate who was a fully qualified person from the Revenue Department and three others from the Police and Forest Departments as candidates for the post of Wazir-i-Wazarat and they were given training also?

If the answer be in the affirmative, it may please be stated why was none of them appointed on the occurrence of vacancies of the posts of Wazir-i-Wazarat.

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : One Hindu Tehsildar was already on the approved list of Wazarat candidates when two Muslims and one Hindu from the Forest, Co-operative and Police Departments were nominated by Government as candidates for Wazaratship in the time of Mr. V. N. Mehta and given Revenue and Settlement training.

There have been only two vacancies, one in succession to a Muslim and the other in succession to a Kashmiri Pandit. The Muslim candidates could not be appointed yet because none of them had passed the Departmental examination. The Muslim vacancy was therefore filled up by giving departmental promotion to a Muslim. The Hindu candidates were duly considered but, on administrative grounds, it was considered advisable to appoint a Kashmiri Pandit.

SARDAR HARI SINGH : Will Government please state those administrative reasons. Out of the three candidates the senior one should have got the post.

THE HON'BLE MR. K. N. KNOX : It was not done in my tenure of office. On my joining when I came to know that one Kashmiri Pandit had been retired from service, I appointed a Kashmiri Pandit instead.

SARDAR KANHAYA SINGH : Similarly if one Sikh retires, will a Sikh be appointed in his stead?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The question is if a Sikh retires, will a Sikh be taken in his place?

THE HON'BLE MR. K. N. KNOX : I did not say always. It was decided only in that particular case.

THE HON'BLE MR. WAJAHAT HUSSAIN : In ordinary practice the principle followed is that if a person retires another person of his community is not necessarily appointed in his place. However, it was a special case in which a Kashmiri Pandit was appointed in place of a Kashmiri Pandit.

LALA HANS RAJ : In pursuance of this principle, will then a Kashmiri Pandit be appointed on the retirement of this Kashmiri Pandit.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji : May I say something about it. When the said Kashmiri Pandit was chosen not one of these three candidates was "Revenue trained". That is why he was appointed. The other reason for doing so was the paucity of Kashmiri Pandits' representation.

SARDAR HARI SINGH : I will submit that Pandit Amar Nath who was fully qualified was ignored and a Kashmiri Pandit was

appointed as Wazir Wazarat. Does this principle follow from it that on the retirement of a person belonging to a certain community a man from the same community will be appointed.

PANDIT JIA LAL KILAM : I raise a point of order, Sir. My humble submission is that he can put supplementary questions only which can illicit some further information which is connected with the question itself. He can not make a statement.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I did not hear what they were talking about. Even I did not hear. It is very difficult to hear here.

PANDIT JIA LAL KILAM : I shall speak more loudly now.

NOTE.— Pandit Kilam repeated the same as above.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I agree.

PANDIT JIA LAL KILAM : Then this discussion should be stopped.

45. SARDAR HARI SINGH : In reply to Q. D. No. 40, the Hon'ble Prime Minister was pleased to state that the case of Sikhs regarding the post of Revenue Assistant is under consideration. Will Government please state what decision has so far been made?

COLONEL BALDEV SINGH PATHANIA : The claims of the Sikh community were considered when there was a vacancy in the post of Revenue Assistant but it was not considered fair to pass the claims of Thakur Hira Singh. Special promotion was given to a Sikh when Sardar Hukum Singh was appointed S. P. T. Tehsildar.

SARDAR HARI SINGH : What I meant to say was that a Sikh should have been appointed in place of the Sikh Revenue Assistant who was retired from service. If a Sikh was appointed as Tehsildar, what of that ; he had to be appointed as he was senior. He was not granted any special promotion.

COLONEL BALDEV SINGH PATHANIA : That was specially done.

SARDAR HARI SINGH : Some Sikhs retired in Srinagar and some in Jammu. When Sikhs retire their places should be filled in by the Sikhs. The next point is that when there was distinct paucity of the representation of Kashmiri Pandits in gazetted cadres, the Glancy Commission pointed this out. Similar is the case with Sikhs.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : There should be no speeches in a question.

SARDAR HARI SINGH : During the last session in reply to my question Hon'ble Revenue Minister stated that the question of the appointment of a Sikh as Revenue Assistant was under consideration. What was decided in this behalf is my question?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The question has been replied. No speech is necessary.

SARDAR HARI SINGH : Why has not a Sikh been appointed

in place of a Sikh.

NOTE.—No answer was given.

46. SARDAR HARI SINGH : In reply to my question Q. D. No. 840 the Hon'ble Revenue Minister was pleased to state that at the time of making appointments unqualified candidates are appointed as Tehsildar or Naib-Tehsildar in accordance with their communal representations. They are directed to pass the examination within two years and if those candidates do not pass while there are others of the same community who have passed those examinations, will they be given preference? If not, why?

COLONEL BALDEV SINGH PATHANIA : Qualified officials are generally given preference in the matter of promotion unless they are adversely reported upon.

SARDAR HARI SINGH : My submission is if a person is qualified and has passed the examination he should be given preference whether he be a Hindu, Musalman or a Sikh. If any Sikh has passed the examination and is qualified he should have at least been given preference.

47. SARDAR HARI SINGH : Will Government please state whether Lala Charanjit Lal, Inspector made a note regarding estimates for the year ending 31st Bhadon 1992 of the Central Co-operative Bank Limited Jammu on Magh 1992, but the audit note from the said Bank was received after remarks on 24th Poh 1992?

What are the reasons for this prolonged delay? Could not some arrangements be made whereby in future audit note be returned in time after remarks to the office concerned?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : The question is unintelligible. No notes of estimates of Central Banks are drawn up by Departmental Inspectors. It is not understood what the Praja Sabha Sad means by "Estimates". If he means Audit of Accounts, it is still inexplicable how the accounts for 1992 could be audited in 1982 nearly 10 years back.

As regards the timely audit and prompt disposal of audit notes stringent instructions have off and on been issued by the Registrar and are being enforced strictly.

SARDAR HARI SINGH : Excuse me please. This was not my question. I will read out my question to you (reads the question).

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : In a copy of the question which I received I have got 1982 instead of 1992. You can ask this question in the next question.

SARDAR HARI SINGH : I have written it clearly in my question. Who is responsible for this mistake. One year has passed and the audit note is not ready even now.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : I am not responsible for that. I say the difference was of ten years. How could I give a correct reply.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The copy of your question that was sent was wrong ; you will be given the correct reply. (Addressing the Hon'ble Finance Minister) Will you kindly note it down.

48. SARDAR HARI SINGH : Will Government please place on the table of the House a statement showing the number of Co-operative Societies in 1988 in Tehsil Akhnoor and Jammu together with their classes viz. first, second, third and fourth and the changes that have taken place in them?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji : A statement showing the number of Co-operative Societies in Akhnoor and Jammu Tehsils with classification as they stood in 1988 together with their present position is placed on the table of the Praja Sabha Sad.

Statement showing number and classification of Co-operative Societies in Jammu and Akhnoor Tehsils in 1988 and 1993.

Name of Tehsil. Classification. Year 1988. Year 1993.

Akhnoor	...	{	A	.....	8
			B	20	13
			C	90	60
			D	12	41
Total		...		<hr/>	
				122	122
				<hr/>	

Jammu	...	{ A	12	1
		{ B	57	41
		{ C	81	97
		{ D	2	14
Total	...		152	153

NOTE.—In Akhnoor Tehsil there has been an increase of 8 in "A" class societies and a decrease of 7 in "B" class. The increase in "D" class societies is due to the severe economic depression during the past years which told very heavily upon the financial position of the members of the societies. The societies consequently failed to make repayments to the Central Bank. The previous classification could not therefore be maintained by the societies and they had to be placed in "D" class.

The decrease in "A" and "B" class societies and increase of 16 in "D" class societies in Jammu Tehsil is also due to the economic depression.

SARDAR HARI SINGH : My submission is that in Samvat 1988 and 1993 i. e. in five years there has been no decrease in the produce and concessions have also been granted. This being so why have "B" class societies been reduced to "C" class and "C" class to class "D".

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : It was not done deliberately. Due to economic depression the condition of the zamindars had been rendered poor and no money could be realized from them.

SARDAR HARI SINGH : No, their condition was not actually bad, only the realization was not made.

49. WAZIR MOHAMMED KHAN (Astora : Muslim) : Is it a fact that formerly the employees of the Niabat Tehsil Astora used to live in the State quarters adjoining the Tehsil, free of charge, and now rent is charged from them for living there with the result that employees now put up two or three miles away from the Tehsil and in the event of an emergency State business at night, the officers of Tehsil are much inconvenienced?

Will Government for the discharge of such duties issue orders allowing these employees to reside in the tehsil quarters free of charge as in the past?

COLONEL BALDEV SINGH PATHANIA : Rent is now charged. Emergent business at night is very rare. No.

50. WAZIR MOHAMMED KHAN : Is it a fact that Juma Khan, Lambardar of the village Harisingh, Tehsil Astora died about two years ago leaving a minor son. The authorities considering his minor son the rightful heir of his father appointed him as Lambardar and his uncle Akbar Khan as his Sarbarah? Now the minor son and the poor widow of late Juma Khan have been informed that in place of Akbar Khan some such person from their opponents has been appointed as Sarbarah who has always been disputing their claims to the Lambardarship?

Are Government prepared to reappoint the uncle of the minor as his Sarbarah so that the rights of the deserving may be ensured?

COLONEL BALDEV SINGH PATHANIA : Yes. Akbar Khan was appointed Sarbarah Lambardar for the minor son of Juma Khan deceased Lambardar. Akbar Khan was suspended for one year for improper activities and another suitable person was appointed Sarbarah in his place by the Wazir Wazarat Ladakh.

As Akbar Khan has not been permanently removed, the 2nd part of the question does not arise.

51. WAZIR MOHAMMED KHAN : Is it a fact that in 1992 Bakarwals who go to Astora in spring of every year for Kahcharai stole away 96 goats of the zamindars of village Boban, Tehsil Astora and the employees of the Shikargah pursued them and after arresting the thieves in the Gurez Illaqa released them after realizing the

value of the goats in cash? It is not known whether the money was paid to the zamindars whose goats were stolen. Will Government please enquire into the matter and favour with the reply.

COLONEL BALDEV SINGH PATHANIA : An enquiry was made telegraphically from the Wazir Wazarat Ladakh but his report has not been received yet. On receipt of the Wazir's report, a reply will be sent direct to the Praja Sabha Sad.

52. WAZIR MOHAMMED KHAN : Is it a fact that at Bungalow at Ramba in Tehsil Astore Assad Joo Chowkidar an employee of the P. W. D. complained that he has not received his pay for the last so many days?

Will the Hon'ble Home Minister please enquire into the matter and kindly order that the payment of his dues may be made to him?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) Yes.

(b) The Bungalow at Ramah is still in charge of the Imperial Government. As such, Chowkidar therefore is not an employee of Public Works Department.

53. WAZIR MOHAMMED KHAN : Is it a fact that on the occasion of the last Durbar held at Jammu the Government abolished the Rais system for the zamindars of Illaqa Astore and issued orders accordingly? I have learnt it today from a reliable source that in Tehsil Astore Khas the Rais system is still in force as it has been in the olden days and it is a matter of surprise that this ancient system should be still prevalent. The Government must remember that the people of Astore are uneducated and to them even the meanest officer is as important as the highest. The Government employees harass these simple-minded people in the name of Government or Kar-i-Sarkar?

When the Government has abolished the Rais system why is it still prevalent in Astore?

Will Government issue warning to the present officers in Astore and abolish the Rais system?

COLONEL BALDEV SINGH PATHANIA : Yes, definite orders were issued by His Highness' Government last year to discontinue the Rais system in Tehsil Bunji (including Astore). Enquiries made show that no such system now prevails in Astore. If the Praja Sabha Sad refers to any specific instance, action can be taken in the matter.

The other parts of the question do not arise.

KHAWAJA GHULAM MOHAMMED SADIQ : Sir, may I know what the Hon'ble Revenue Minister understands by the word "meanest" in question No. 53? May we take that there are meanest officers?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : How does that question arise? He says that under definite orders

of His Highness' Government the "Rais" system has been discontinued. If that is done there is no question or if the rules have not been followed then the action can be taken.

KHAWAJA GHULAM MOHAMMED SADIQ : I myself could not understand the word "meanest" and I want to know what the Hon'ble Revenue Minister could understand by this word.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : May mean menial servant.

54. SUBEDAR KHAN MOHAMMED KHAN (Poonch : Muslim) : (a) Will it please be stated as to whether the employees in Illaqa Poonch can be transferred to Jammu and Kashmir? If the answer be in the negative, it may please be stated as to why the employees of the Poonch Government cannot be transferred to the Kashmir State when those of the Kashmir State can be taken in Poonch? The reasons therefor may please be stated?

WAZIR FERAZ CHAND : No. Employees in Illaqa Poonch are not transferred to other portions of Jammu and Kashmir or *vice versa*.

55. SUBEDAR KHAN MOHAMMED KHAN : Will it please be stated as to whether the Land Alienation Act was enforced in Poonch on the 9th January 1937? If the answer be in the affirmative, it may please be stated as to how many Ghumaons of land have been purchased in this period of two years by the non-agriculturists?

WAZIR FERAZ CHAND : The Land Alienation Regulation was enforced in Poonch on 3rd January 1935 when a list of agricultural classes was duly notified. It was only a revised list of the said classes that was issued in January 1937. According to the first list of agricultural classes, no area was purchased by non-agricultural classes during the last two years.

SUBEDAR KHAN MOHAMMED KHAN : Were Khatris and Khojas declared agriculturists in the first list?

WAZIR FERAZ CHAND : Yes.

SUBEDAR KHAN MOHAMMED KHAN : Then have not the members of these two communities purchased land during the last two years?

WAZIR FERAZ CHAND : That is another question.

SUBEDAR KHAN MOHAMMED KHAN : The Land Alienation Regulation was enforced in 1935 but the list of agricultural classes was prepared in 1937. My question is as to what area of land has been sold to non-agriculturists within these three years. In the previous list, however, all castes were declared agriculturists.

WAZIR FERAZ CHAND : Whether the first list was correct or not is another matter but it is a fact that when the Land Alienation Act was enforced in Poonch in 1935, the list of agriculturist classes

was also published along with it. In 1935 these castes were not non-agriculturists. Later this list was amended in 1937 and such amendments can be made at all times. If conditions change an action can at any time be taken accordingly. On satisfactory grounds agriculturist classes can be declared non-agriculturist.

SUBEDAR KHAN MOHAMMED KHAN : But what I want to know is how much land has been purchased from agriculturists and by how many such people as were agriculturists previously and were later declared non-agriculturists.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : How can such a list be prepared. He says no land was purchased. You should have given the names of such persons or else how can such a list be prepared.

NOTE.—Subedar Khan Mohammed Khan read over again the reply given to him by Wazir Poonch along with his question and remarked "I have not received reply to my questions".

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The reply has been given to you that no land was purchased. If you want to ask some new question, you can send it in writing.

SUBEDAR KHAN MOHAMMED KHAN : My question is how much land belonging to agriculturists was purchased by non-agriculturists.

NOTE.—No further reply was given.

MIRZA M. A. BEG : (Addressing Subedar Khan Mohammed Khan) It says no land was purchased.

56. SUBEDAR KHAN MOHAMMED KHAN : It may please be stated how many cases of theft took place during the period between 1st Baisakh 1991 and 1st Phagan 1993, and how many cases were prosecuted under Section 182?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Judicial Minister) : The reply to this question is not ready. It shall be communicated to the member when ready.

57. SUBEDAR KHAN MOHAMMED KHAN : Will Poonch Government please place before the House a list showing the number of women kidnapped from Illaqa Poonch from 1990 to 1st Phagan 1993? In reply to question No. 7 Q. D. No. 4 dated 5th October 1936 asked in the 1st Srinagar session it was stated that steps would be taken to collect such figures and to check this crime?

It may please be stated how many cases have been reported per Thana and what steps have been taken to prevent this crime?

WAZIR FERAZ CHAND : The number of cases reported in respect of abduction of women from Poonch during the period beginning from 1990 to 1st Phagan 1993 is 89. The number of

cases reported per Thana is as below .—

City	...	3
Saddar	...	4
Thakiala	...	6
Dharamsal	...	15
Kahuta	...	1
Hajira	...	2
Palandri	...	7
Rawlakot	...	23
Dhirkot	...	7
Suhran	...	4
Bagh	...	17

The Superintendent of Police has been instructed to take every action possible to check the offence.

SUBEDAR KHAN MOHAMMED KHAN : When this offence is not cognizable, how can the Superintendent Police check it.

THE HON'BLE MR. WAJAHAT HUSSAIN : Sir, possibly the Hon'ble member is not aware that the Police have several means whereby to prevent such occurrences. ("Hear, hear" from non-official benches)

58. SUBEDAR KHAN MOHAMMED KHAN : Do Jammu and Kashmir Government charge from the inhabitants of Poonch 2 pice per rupee for clothes, and eight annas per maund for sundry goods at Customs Post Kohala without issuing any form?

If the answer be in the affirmative, will this sum kindly be not charged and the people of Poonch obliged?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : Imports into Poonch via Kohala pay Kauriana at the following rates :—

Piece-goods	...	Re -/8/-	per maund
Salt	...	" -/2/-	" "
Grains	...	" -/-/6	" "
Miscellaneous	...	" -/3/-	" "

Formal receipts are issued by the Customs Department at Kohala for recoveries made on this account. The general question of recovery of customs duty between the Poonch Jagir and the parent State is already engaging the attention of Government and with its solution the question of Kauriana will be automatically solved.

SUBEDAR KHAN MOHAMMED KHAN : When will this matter be decided? The residents of Poonch have to pay Customs three times, it is charged once by the Poonch Government and twice by the Jammu and Kashmir Government.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : (Addressing the Hon'ble Finance Minister) Can you say when will this be decided?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji : It is pending. When the necessary material concerning this matter is collected, it will be decided. As long as the correspondence is going on it is not possible to decide. It is very difficult to anticipate the time it will take to do so.

PEER HISAM-UD-DIN (Poonch : Muslim) : About ten months have elapsed since the Wazir Poonch sent a letter to Hon'ble the Finance Minister. Has any action been taken thereon?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji : In my opinion Wazir Poonch can well inform you in this connection. It is possible that he may have received the reply five months ago.

PEER HISAM-UD-DIN : Then will this sum be kept as "deposit" till the matter is decided.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji : If it is decided that the sum may be returned, it can be done so at any time. It is a matter of not much significance.

SHEIKH MOHAMMED AMIN : Will this matter be entrusted to the Customs Tarriff Advisory Board regarding which a proposal was made and the same was accepted during the last session?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji : That Board has nothing to do with this question.

SHEIKH MOHAMMED AMIN : This matter too pertains to Customs.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji : There are a variety of questions regarding Customs and I do not think these will be replied to all at once.

SHEIKH MOHAMMED AMIN : Yes, it will be well if the reply to all questions is given once for ever. (Laughter)

59. LALA HANS RAJ : (a) Is Government aware that at Rajbha No. 5, Thokar 18000 and Thokar 19000, Jheevapur Sohnu son of Rijha and Dharm son of Damodar resident of Hamipur Siddhar, Tehsil Akhnoor, have started flour mills (Gharats) in

Jammu District and every year they pay ten to fifteen rupees as advance to Government but from the last four years the sum that has been left over after deducting Government dues has not been refunded to them?

(b) If the answer be in the affirmative, then why has this been done and is Government prepared to oblige by returning the poor people by refunding the sum that is standing to their credit after deducting the Government dues? If not, why?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : (a) A sum of Rs. 7/8/- is shown as due to Jheever Sohnu for 1990-90 and 1991-92, and a sum of Rs. 14/7/- to Dharam for 1989-90, 1990-91 and 1991-92.

(b) The dues shown in favour of these persons have not been paid, as they have failed to produce Treasury receipts.

61. LALA HANS RAJ : Will Government consider over the question of starting a middle school in village Palanwala, Tehsil Akhnoor, because a middle school is urgently needed there?

Besides did many retired Military Officers of the place make an application to the Hon'ble Home Minister for starting a middle school there.

If the answer be in the affirmative, when will a middle school be started there?

THE HON'BLE MR. WAJAHAT HUSSAIN : Yes. A verbal request was made to the Hon'ble Prime Minister for starting a middle school in Palanwala and he had directed the Education Department to consider over the matter.

I am sorry that this year no middle school in Palanwala can be opened because the application has been submitted a bit late.

62. LALA HANS RAJ : (a) Will Government allow the teaching of Hindi to Hindu boys from 1st primary class when the learning of Hindi is enjoined upon Hindus by their religion?

(b) If the answer be in the affirmative, when will such instructions be issued for the teaching of Hindi to students in 1st primary in schools where Hindi is taught at present from third primary?

THE HON'BLE MR. WAJAHAT HUSSAIN : The report in this matter is yet awaited from the Director. The member will be informed when information is received.

63. LALA HANS RAJ : Are there any instructions from the Government to the police that police recruits or other such constables should wear their turbans other than those included in the uniforms in hoisted fan-like manner (Kukkar Dum).

(b) Does not such a style of turbans have an evil influence on the public or is it merely done to overawe the simple folk?

(c) Will Government state also whether some money is charged in the Mufassil Thanas from a person who goes to a police-station for lodging a report?

Is Government also aware that if such a "fee" is not given to them, they do not record the report as they should?

(d) If the answer be in the affirmative, will Government considering the consequences of such a practice take some preventive steps?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) No such instruction has been issued by Government.

(b) No.

(c) No complaints of this nature have been received.

(d) The question does not arise.

NOTE.—After the 63 questions set down on the list for this day were answered, the Secretary Praja Sabha read out the answer to question Nos. 804 and 817 of L. Shiv Nath Nanda and Mian Qurban Ahmed respectively, asked by them in the previous session of the Praja Sabha.

The answers are reproduced hereunder.

Reply to Question No. 804.—(a) No.

(b) Does not arise.

Reply to question No. 817.—It is regretted that the information sought by the member Praja Sabha is from the unpublished records of the Government which for that reason cannot be supplied.

LALA SHIV NATH NANDA : The reply given was "does not arise" and the other was "cannot be supplied" which of these two is correct.

VOICES : Both.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I call upon the Secretary of the Praja Sabha to report as to the bills on which the assent of His Highness the Maharaja Mahadur has been received.

NOTE.—The Praja Sabha Secretary (Pandit Hiranand Raina) read in Vernacular his report which is reproduced below:—

"Sir. With your permission I beg to submit my report regarding the Bills which were passed by the Council and by the Praja Sabha during the October-November Session 1936 and have received the assent of His Highness the Maharaja Bahadur.

1. The Food Control (Amendment) Bill.
2. The Stamp (Amendment) Bill.
3. The Matches Excise Duty (Amendment) Bill.
4. The Income Tax (Amendment) Bill.
5. The Brick Kiln Act No. 7 of 5th Har 1989 (Amendment) Bill
6. The Criminal Procedure Code XIII of 1989 (Repeal) Bill "

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The fourth item on today's list of business is that your President will move a resolution on the death of Sir Barjor Dalal. As it is thought that some members would like to speak on the resolution, it will now be moved by the Hon'ble Prime Minister.

NOTE.—The Hon'ble officiating Prime Minister (Major General Nawab Khusrul Jung, C. I. E.) then rose to move the resolution in question.

THE HON'BLE NAVAB KHUSRU JUNG, C. I. E. : Sir, I beg leave to move the following resolution :—

- RESOLVED : (1) "That this Praja Sabha of Jammu and Kashmir places on record its deep regret and sense of great loss at the demise of Sir Barjor Dalal, who was the First President of the Sabha and who held office for two and a half years and conveys its heart-felt sympathy and condolences to Lady Dalal and other members of the family,
- (2) that the House do now adjourn as a mark of respect to the memory of the deceased, and
- (3) that the President be authorised to send to Lady Dalal a copy of this resolution".

I take this opportunity of saying a few words on my own account. The late Sir Barjor Dalal was a man after our own heart in simplicity and genuineness. He endeared himself to one and all and we deeply mourn his loss and remember him with warm affection. His popularity was not due to the official pedestal on which he stood but to his own personality. This is a matter on which no long speech is necessary and I would conclude by commending this resolution to the House.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Does any other member desire to speak on this resolution?

LALA HANS RAJ (Jammu Wazarat : Hindu) : I support the resolution and would also like to make it clear to the House that the transitoriness of this world has been felt from very early times. It is a common saying of those noble people who lived here :—

کون کا کند نہیند بہ نام ہوتا ہے — کسی کی آرزو کا لہ نہرجم ہوتا ہے
عجب وہ دینا — صبح و نام کسی کا کوچ کسی کا مقام ہوتا ہے

"The birth of some the World proclaims,
The loss of oth'rs it mourns in vain ;
What a wayside Inn this World is,
Where every hour, early and late
Like puppets men are tossed by Fate."

This should be borne in mind by all that only by following noble people we can leave behind our names in this world.

MIAN AHMED YAR : I rise to associate myself and my party with this resolution. Sir, a lost or absent friend is remembered by the many good qualities possessed by him and the reminiscences which are cherished by those who came in contact with him. From our short experience of the gentleman we found him frank and straight-forward and perhaps his these personal qualities have moved us to record our sense of condolence inspite of the fact that he died when he was not the President of this House. I pray "May God console the bereaved family".

SARDAR KANHAYA SINGH (West-Kashmir ; Sikh) : Sir, with

regard to the resolution that has been moved by the Hon'ble Prime Minister, I have this submission to make that the memory of Sir Barjor Dalal is still fresh in our minds. Any man who has noble intentions and has done good work is fondly remembered by people. The late Sir Barjor Dalal was a man of virtues and possessed many good qualities. One of those qualities was that he was loyal to His Highness the Maharaja Bahadur. Our prayer is that officers who come from outside or who are present here should always treat us sympathetically and as we are backward they should lead us towards progress. Therefore I support this resolution on behalf of the Sikh community.

NOTE.—Pandit Jia Lal Kilam started his speech in English when Moulvi Mohammed Abdulla requested him to speak in Urdu.

PANDIT JIA LAL KILAM (Srinagar City South : Hind) : Sir, I also associate myself with the views expressed regarding Sir Barjor. His, indeed, was a worthy personality, and as far as it lay within his power he made all possible efforts for the advancement of the people of the State. There can be no one who bearing these facts in mind, may not have felt aggrieved at the untimely death of Sir Barjor Dalal. At this time we have no other option but to pray to God that Sir Barjor may be blessed in heaven.

MOULVI MOHAMMED ABDULLA (Srinagar City : Muslim) : Sir, I will submit that Hon'ble the late Sir Barjor Dalal was not possessed of one quality only ; he did not do remarkable work in one department merely ; but the work he did in every department is a proof of his high ability. Keeping in view all these facts I will submit that we should not only regret his loss but should try to acquire his noble qualities. I pray to God to grant all Government members the ability to follow in the footsteps of the late Hon'ble Sir Barjor Dalal and to grant peace to his soul.

MAJOR-GENERAL RAO BAHADUR THAKUR JANAK SINGH JI (State Councillor) : Sir, I support all that has been said regarding Sir Barjor Dalal. One of the virtues that he exhibited as President of the Praja Sabha was that whenever he made any mistake he would at once admit it. You all remember the time when there was some mistake in the counting of votes and he made some remarks but no longer was his attention drawn to the mistake than he asked pardon of the whole House. This was a great virtue in him which is essential in every President. With these words I support the resolution on behalf of the State Councillors.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Members of the Praja Sabha ! I am in perfect agreement with your resolution. I and Sir Barjor Dalal had been together for eighteen years i. e. from 1916 and we worked together on several occasions in many districts and in the later days worked on the same Bench in the High Court. Just as you

all know him fully well I too had occasions to know him closely. His heart, as the saying goes in English, was golden. Apparently it is difficult to say whether he met people cordially, but, at any rate, if you had looked into his heart you would have found it was like a mango, which though possessing a hard exterior is sweet and delicious to eat from within. This was true of Sir Barjor Dalal and is true also of Lady Dalal. She came to be called 'Lady Dalal' on Sir Dalal's having been created a 'Knight'. But she was a lady even before that. A woman of accomplishments is styled lady and she is a lady in the fullest meaning of the term. Similarly a man of accomplishment is called a 'gentleman'. Sir Barjor Dalal was a thorough gentleman. We shall remember him for ever and as you desire, I will send a copy of the resolution to Lady Dalal.

I request you all, gentlemen to stand and signify that you support the resolution.

NOTE.—All standing.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :
Resolution passed.

There will be no more work today.

The House adjourned till next day the 6th April 1937.

THE
JAMMU AND KASHMIR PRAJA SABHA DEBATES

(Official Report)



VOLUME VI.

PART II

(6th April 1937)

SIXTH SESSION

OF THE

FIRST J. & K. PRAJA SABHA.



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HIS HIGHNESS' GOVERNMENT, JAMMU & KASHMIR

JAMMU & KASHMIR PRAJA SABHA

JAMMU SESSION APRIL 1937.

*Tuesday the 6th April 1937.
25th Chet 1993.*

The Praja Sabha met in the Praja Sabha Chambers at Ajaib Ghar at eleven of the Clock. Mr. President: (The Hon'ble Sir Lal Gopal Mukerji Kt.,) in the Chair.

QUESTIONS AND ANSWERS.

PANDIT AMAR NATH KAK : (): (a) Whether it is a fact that the hire for unit meters and current limiters is realized even after the total amount of hire paid by a consumer exceeds the cost of these articles and that in the case of numerous consumers the amount of hire already paid exceeds several times the cost of the said articles?

(b) Will Hon'ble the Home Minister consider the advisability of stopping this in-equitous and un-business like practice which mostly effects the poor consumers who cannot afford to purchase these articles and have to take them on hire system? Will Hon'ble the Home Minister be pleased to introduce hire purchase system so that the consumer may be liable to pay rent only so long as the total amount paid by him covers the cost of articles the incidental charges and interest and that thereafter the ownership of the articles may pass to the consumer?

THE HON'BLE MR. WAJAHAT HUSSAIN: (Home Minister) : (a) Yes.

(b) The system is neither in-equitous nor un-business like. The Electrical Department is however considering the question of adopting hire purchase system.

PANDIT AMAR NATH KAK : I want to enquire when this system of hire purchase will be introduced?

THE HON'BLE MR. WAJAHAT HUSSAIN : It is difficult to give exact date. To say when it will be introduced is not

free from difficulty but the Government is considering this matter. It will be introduced soon.

65. PANDIT AMAR NATH KAK : (a) Will Hon'ble the Home Minister be pleased to state, whether it is a fact that the current limiters even in the case of consumers who have purchased them, are installed outside their premises at the option of the Electric Department and the consumers are held responsible for any damage to the current limiter?

(b) If the answer be in the affirmative, will Hon'ble the Minister be pleased to state why the Department even in cases where it installs the limiters at places inaccessible to and beyond the control of the consumer, shifts the responsibility for the safe keeping of the limiters to the consumer?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) Yes, but at the request of the consumers with the object of saving expense on the service line.

(b) Does not arise.

PT. AMAR NATH KAK : I do not think my question has been replied. The reply I have got does not make any mention of (b).

THE HON'BLE MR. WAJAHAT HUSSAIN : I hope the reply has been given.

PANDIT AMAR NATH KAK : But how can the responsibility in case of damage be shifted to the consumers when the limiters are installed outside their premises by the department?

THE HON'BLE MR. WAJAHAT HUSSAIN : It is done so at the request of the consumers.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.,) : I did not hear.

PANDIT AMAR NATH KAK : My question is that when the limiters are installed outside the houses by the department why the consumers are held liable in case of any damage to them?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.,) : (to the Hon'ble Home Minister) : Why should the responsibility be on the consumers?

THE HON'BLE MR. WAJAHAT HUSSAIN : As the limiters are installed at the request of the consumers therefore the responsibility lies on them.

PANDIT AMAR NATH KAK : The Rule is that the limiters will always be installed outside and not inside the premises.

THE HON'BLE MR. WAJAHAT HUSSAIN : That is not the general case.

LALA SHIV NATH NANDA : The Hon'ble Home Minister has said that it is done so at the request of the consumers. But I think that nobody writes in his application that the meter be installed outside his house. It is installed outside the premises by the order of the Government. The answer given is not proper.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): What more you want to ask? I did not hear?

LALA SHIV NATH NANDA : My submission is that when the meter is installed outside the premises by the order of the Government why the consumer and not the Government is not held responsible when it is damaged?

THE HON'BLE MR. WAJAHAT HUSSAIN : Lala Sabib says that answer given by me is wrong.

LALA SHIV NATH NANDA : I do not say that it is wrong.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): You may put another question?

66. PANDIT AMAR NATH KAK : Is Hon'ble the Home Minister aware of the fact that the quantity of power consumed by a 16 c. p. bulb per month working for all the 24 hours of the day is about 11 units and that the charges for these 11 units are -/11/- only which works at -/1/- per unit per month, while on the unit meter system the charges are -/6/- per unit?

Is the Hon'ble Minister further aware of the fact that in the Punjab where the production of electric power is far more expensive, the charges per unit are much lower? If so, how much? Will the Hon'ble Minister be pleased to remove this disparity between the rates and reduce the charges on the unit meter system considerably?

THE HON'BLE MR. WAJAHAT HUSSAIN : The power consumed by one 20 watt (16 c. p.) lamp used all the 24 hours a day would be 14.4 and not 11 units per month of 30 days but lights are used usually in the nights for a few hours only. Taking 3 hours as an average for the use of a lamp per night the units thus consumed come to 1.8 the cost of which @ -/6/- per unit comes to -/11/-.

The capacity of the Lahore Electric Supply Co., is much bigger than that of Kashmir, and its cost of production by steam Turbines is very low as the cost of coal is cheap. Besides it does not incur any expenditure on long transmission line. Further, it does not extend the line at flat rate to smaller consumers.

At places like Gujranwalla, and Gujrat the rate per unit is -/8/-.

PANDIT. AMAR NATH KAK : Does any such rule exist that lights be used only for three hours in the night ?

THE HON'BLE MR. WAJAHAT HUSSIAN : No.

PANDIT AMAR NATH KAK : Then how is it guessed that lights are used for three hours in the nights ?

THE HON'BLE MR. WAJAHAT HUSSAIN : It is expected from the consumer that he will use the electricity in the proper manner.

SHIEKH MOHAMMAD AMIN : You have stated that coal is cheaper than water. Is coal available free of cost ? And is the cost of producing electricity by coal less than producing it by water ?

LALA SHIV NATH NANDA : Here it is a white elephant.

67. PT AMAR NATH KAK : Will the Hon'ble Home Minister be pleased to state : (a) Whether it is a fact that while the consumer is made to pay for the electric service line at the time of connection and repairs to it, it is treated to be the property of the department and is taken possession of by the department in the event of disconnection ?

(b) If the answer be in the affirmative, will Hon'ble the Home Minister be pleased to issue instructions for stopping this practice, as the department is a commercial department and should either bear the cost of the Service Line at the time of connection or should allow the consumer to retain it at the time of disconnection ?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) and (b)

The lighting consumers are supplied with 100' service line free of cost, and the line is maintained by the Electrical Department and not by the consumer.

To avoid security deposit for the line and switch-board etc. (which is supplied free by the department) a number of consumers prefer paying for the switch line. In their cases the service line becomes the property of the department which maintains its own cost (Rule No. 16)

PANDIT AMAR NATH KAK : My question was as to why that portion of the wiring the cost of which is paid by the consumer is not given back to him ?

THE HON'BLE HOME MINISTER : It will be given back if he claims.

PANDIT AMAR NATH KAK : Is it given back at present ?

THE HON'BLE HOME MINISTER : Nobody claimed.

68. PT. AMAR NATH KAK : Will the Hon'ble Home Minister be pleased to state why inspection parties enter the premises of those consumers whose current limiters are installed outside their premises in spite of the provision in the rules to the effect that current limiters and thief proof

wire should be considered as sufficient guarantee against the stealing of energy. Will the Hon'ble Home Minister be pleased to take steps to stop this practice which is annoying and vexatious to the consumers?

THE HON'BLE MR. WAJAHAT HUSSAN: The inspection party usually inspects meters and current limiters only but occasional inspection of installations is also necessary both in the interests of the consumer and the department to examine the leakage etc. Permission of the consumers is always obtained before entering the premises.

PANDIT AMAR NATH KAK: But the question was whether these limiters and the proof wires should be considered as a sufficient guarantee against the stealing of energy?

THE HON'BLE MR. WAJAHAT HUSSAIN: Not in the least.

69. MOULVI MOHAMMED ABDULLA: () :
(a) Does the Government consider it desirable that in order to improve his economical position an agriculturist may adopt some other profession also in addition to agriculture?

(b) If the answer to (a) be in the affirmative, it is a fact or not that the principle of determining non-agriculturists on the ground of professions dabs the agriculturists from taking to other occupations as a bye profession?

THE HON'BLE MR. K. N. KNOX. (Revenue Minister):

(a) Yes.

(b) The member Praja Sabha is referred to reply already given to part (c) of his Q. D. No. 40.

MOULVI MOHAMMED ABDULLA: My question has not been answered. The question was "Does an agriculturist who turns a cobbler continue to be an agriculturist or not"?

THE HON'BLE MR. WAJAHAT HUSSAIN: Refer to Q. D. No. 40.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): I have asked the Secretary to bring the Q. D. No. 40. You may see it. Do you want to ask any other question?

Note. The Hon'ble Member did not ask any other question.

70. MOULVI MOHAMMED ABDULLA: (a) Will the Government please state as to how much land belonging to agriculturists has been auctioned in Jammu Province subsequent to the enforcement of the Alienation of Land Regulation? Who have purchased it and how was it put to auction?

THE HON'BLE MR. K. N. KNOX: 1221 Kanals and 3 Marlas of land belonging to agriculturists has been auct-

ioned in execution of decrees and for payment of fines in Jammu Province after the enforcement of Land Alienation Regulation. The land was purchased by the highest bidders in auction.

If the Praja Sabha Sad wants to know the names of the purchasers it will require longer notice to collect the information.

MOULVI MOHAMMED ABDULLA: This was not my question. I am not so ignorant a person as to have asked such a question. Even a child knows that a highest bidder always gets the thing. I want to know the names of the persons to whom the land was sold?

COLONEL BALDEV SINGH PATHANIA (Governor): The answer is that sufficient notice should be given for it.

71. MOULVI MOHAMMED ABDULLA: Deleted.

72. MOULVI MOHAMMED ABDULLA: (a) It is a fact that in cities and towns, all people cannot get their daughters, educated according to the system in vogue and that several girls and women, not knowing any art remain un-employed and therefore the poverty is increasing?

(b) Will the Government please make arrangement in cities and towns to teach useful arts to such girls and women?

THE HON'BLE MR. WAJAHAT HUSSAIN: (a) It is a fact that all the women residing in cities and towns do not receive education and it is also a fact that there is a number of such women who are un-employed. But it cannot be said that how far these facts are responsible for the increasing poverty.

(b) Government cannot promise any immediate arrangement.

MOULVI MOHAMMED ABDULLA: Did Government give promise to them before or not?

THE HON'BLE MR. WAJAHAT HUSSAIN: The answer will be given when Moulvi Sahib will refer to the promise.

MOULVI MOHAMMED ABDULLA: It is not known whether poverty continues or not by being unemployed. What I asked was as to whether on account of this, poverty increases or not.

RAI BAHADUR MAJOR GENERAL JANAK SINGH JI: Even then they are cheerful. (laughter).

73. MOULVI MOHAMMED ABDULLA: (a) Is it a fact that the Revenue Department is concerned with a large majority of subjects of the State who pay land revenue and who form the very backbone of the country?

(b) If the answer to (a) be in the affirmative is it a fact

that ability is as necessary for the officers of the Revenue Department as for the Judicial Officers?

THE HON'BLE MR. K. N. KNOX: (a) and (b) Yes.

MOULVI MOHAMMED ABDULLA: The answer of part (c) has not been given to me. Part (c) is (Read out part (c) from the Urdu list of questions.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Perhaps it has been disallowed.

MOULVI MOHAMMED ABDULLA: Information regarding rejection is conveyed to us, but no information has been received by me with respect to it. When question's list place on my table contains part (c) of the question how can I understand that it has been rejected. This is the most essential part of the whole question.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): I will enquire into this matter.

MOULVI MOHAMMED ABDULLA: This part is such as cannot be rejected according to rules.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Part (c) is not given in the English list of questions. It will be enquired into.

The Hon'ble President directed the Praja Sabha Secretary to keep a note.

74. MIAN QURBAN AHMED (Kathua Muslim): Is it a fact that the Government charges Kahcharai fee for a young buffalo of one year only?

Is it also a fact that the same buffalo given delivery after four years and the poor zamindars have to pay three years tax for nothing?

If the answer be in the affirmative, are the Government prepared to recover the grazing fee after three years instead of one? If not, why?

THE HON'BLE MR. K. N. KNOX: Buffaloe calves one year old are exempt from grazing fee.

The tax is levied for the grazing facilities available to the zamindars and not on animals that breed. There can therefore be no question of exempting buffaloes over one year old from the levy of Kahcharai.

MIAN QURBAN AHMED: Is the Kahcharai tax also levied on calves one, two or three years old?

THE HON'BLE MR. K. N. KNOX: Yes.

MIAN QURBAN AHMED: Should I understand that no tax is levied on animals that breed?

COLONEL BALDIV SINGH PATHANIA: No.

MIAN QURBAN AHMED: Are Government prepared to exempt those animals that breed from the levy of tax?

THE HON'BLE MR. K. N. KNOX : No.

75. MIAN QURBAN AHMED : (a) Will the Hon'ble Home Minister please state as to how petitions regarding the scarcity of drinking water have been received from the inhabitants of village of Lonath and what action has the Government taken on these petitions?

(b) Are Government prepared to arrange for some facilities of water before the coming summer? If not, why?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) No application has been received by me.

76. MIAN QURBAN AHMED : (a) Will the Hon'ble Home Minister please state whether any amount is realised as abiana from village Khilhari, Tehsil Jasmergarh? If so, how much.

Have the Government dug out any distributary from the canal for this village or the villagers themselves dig out distributary from the canal after every six months?

(b) If the answer to the above be in the affirmative, are Government justified in charging abiana when the zamindars themselves dig out the distributary from the canal to their lands?

(c) Are Government prepared either to make immediate arrangements by digging out the distributary from the canal or to reduce the rate of abiana? If not, why?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) There are two villages named *Jhaliari Khurd* and *Jhaliari Kalan*. Both of them are being irrigated by canal water. During last Kharif the abinana assessed was 16/6/ and Rs. 70/9/ respectively.

According to the Canal Rules the "Khals" that is, water courses have to be dug by the zamindars themselves.

(b) Yes.

(c) The question does not arise.

MIAN QURBAN AHMED : Is this Abiana or the Abi Parta realized from the zamindars even when they dig the Kuhls themselves?

THE HON'BLE MR. WAJAHAT HUSSAIN : Abiana.

77. MIAN QURBAN AHMED : (a) Will the Hon'ble Revenue Minister please state since how long Faiz Ahmed and Khadam Hussain Wazifakhars have been working as such with or without remuneration in the Kathua District and Jasmergarh Tehsil and whether they are the inhabitants of Kathua District?

(b) Will it please be stated as to how long Purshotam Singh of Samba District Jammu has been working as a candidate in the Kathua District?

The record may kindly be made available.

(c) On what grounds the claims of even the other candidates besides these two candidates have been ignored and an inhabitant of another District who have never been a candidate even, could be made permanent in supersession of others and subsequently appointed a Patwari?

(d) Is it in view or regardless of the recommendations of the Glancey Commission that it has been so done? If regardless of that why?

THE HON'BLE MR. K. N. KNOX: (a) Khadim Hussain has been working as Wazifakhwar since 4th Assuj 1992. Faiz Ahmed was temporarily appointed as Wazifakhwar for four weeks in some leave arrangement in Assuj 1992 and since then he has been given various temporary chances. Both of them belong to Kathua District. None of them has worked as unpaid apprentice either in the Tehsil or Wazarat Office.

(b) Parshotam Singh has never worked as an unpaid apprentice. He was appointed Wazifakhwar on 12th Sawan 1992 and subsequently confirmed on this post. At present he is holding a permanent post of Patwari.

(c) Parshotam Singh being senior to Khadim Hussain was confirmed as Patwari. The appointing authority has to take into consideration the merits of each case and the residence of a Government servant cannot be the only deciding factor in making appointments. In this particular case nobody's claims have been ignored.

(d) The question does not arise.

78. MIAN QURBAN AHMED: Is it a fact that the peons of the Revenue Department and Kahcharai Girdawars of Tehsil Basohli are all Hindus with the exception of one and whether a non-Muslim, ignoring the claims of a Muslim has been appointed on the post that fell vacant on the death of Naib Singh peon?

THE HON'BLE MR. K. N. KNOX: No. In Tehsil Basohli there are two Muslim peons. Two new posts of chapra-ies were sanctioned this year for Basohli Tehsil. One has been given to a Muslim and the other to a Harijan.

MIAN QURBAN AHMED: When Glancey recommendations provide that Muslims should be given preference then what is the reason of ignoring Faiz Ahmed and Khadim Hussain?

THE HON'BLE MR. WAJAHAT HUSSAIN: There is no

such recommendation. The Glancey Commission did not recommend that Muslims be given preference.

79. LALA SHIV NATH NANDA: (): (a) Is it a fact that the Hon'ble Home Minister issued an order that in Jammu and Srinagar schools same text books should be taught so that students of Jammu and Kashmir who move with the Durbar may not be handicapped?

(b) Is it a fact that in the face of this order the order that was issued by the Director of Education limited the effect of that order to English books only?

(c) If the answer be in the affirmative, will the Hon'ble Home Minister please state in pursuance of which orders or powers did the Director not carry out these orders fully?

THE HON'BLE MR. WAJAHAT HUSSAIN: (a) Yes.

(b) Yes. Orders have been issued for removing this defect.

80. LALA SHIV NATH NANDA: In reply to my question No. 190 in the 1st Srinagar Session I was told that the Khatris are not declared agriculturists because agriculture is not their hereditary occupation. This was also observed that the Government services are as well open to them as they are to other communities?

If the answer be in the affirmative, will Government please state how many Khatris have been taken into service from the year 1937 up to now?

THE HON'BLE MR. WAJAHAT HUSSAIN: The reply to this question has not been received by me and so it will be postponed. The reply will be given when it is ready.

81. LALA SHIV NATH NANDA: In reply to my question No. 196 it was stated that the Technical school will be amalgamated in the Science College. If the answer be in the affirmative, will the Hon'ble Home Minister please explain why this was not done during the last six months and what are the reasons for being inactive in this behalf?

THE HON'BLE MR. WAJAHAT HUSSAIN: The question of the Science College is under the consideration of the Punjab University. Unless the decision of the Punjab University is received no orders can be issued.

82. LALA SHIV NATH NANDA: In reply to my question No. 22 put in the last Srinagar session it was stated that in order to attract largest number of visitors to Kashmir the Government was considering the question relating to the relaxation of the laws of taxation and reducing the rate of the road toll?

If the answer be in the affirmative, will the Government please state why has there been silence over the question of giving effect to these proposals and when will they be given a practical shape?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: (Finance Minister): There has been no silence. Possession Tax which effected visitors most has been abolished and the question of the reduction of road toll is receiving attention and an early decision may be expected.

83. LALA SHIV NATH NANDA: (a) Is it a fact that in reply to my question No. 337 asked in the last Srinagar session it was stated that the chief occupation of the Khattris is not agriculture but rather the Khattris are money lenders?

(b) In reply it was stated that it is necessary to prove that the majority of this community depend upon agriculture as their chief source of livelihood?

(c) If the answer be in the affirmative will the Government for the present issue orders to enquire whether the chief means of livelihood of the Khattris of this District is agriculture or not?

THE HON'BLE MR. K. N. KNOX: (a) Yes.

(b) It is for the class concerned to follow the usual procedure of applying for inclusion in the list of agricultural classes and proving by facts and figures that they are entitled to be classed as agriculturists. Executive orders of the kind conceived by the Praja Sabha Sad being contrary to the correct procedure would set an awkward precedent and cannot be issued.

LALA SHIV NATH NANDA: Was it on their application that the communities which have been classed as agriculturists at present were declared as such?

THE HON'BLE MR. K. N. KNOX: They have been classed as such by the order of the Government when these communities made a representation that they are entitled to be classed as agriculturists. A thorough enquiry is being made now.

LALA SHIV NATH NANDA: Did those who have been classed as agriculturists up till now apply for it or the Government of itself classed them as agriculturists.

THE HON'BLE MR. K. N. KNOX: At first it was done by the Government itself.

84. MR. ABDUL KARIM: (): (a) Is it a fact that according to the Royal Commands a notification No. 17 has been issued regarding the Shamilat-i-deh that Shamilat-i-Deh should be allotted to each village in propo-

tion to the cultivated land in that village ?

(b) Is it also a fact that in recent Settlement in Tehsil Mirpur some area has been entered as "Arak" adjacent to the cultivated land ?

(c) What objections do Government have in annexing the Arak area that is situate adjacent to the cultivated land to the Shamilat-i-Deh ? If there be no objection will the subordinate Revenue Officers be instructed to enforce the same ?

THE HON'BLE MR. K. N. KNOX : (a) Yes.

(b) Yes.

(c) This area is already assessed to land revenue and as such cannot be annexed to the village Shamilat.

85. MR. ABDUL KARIM : Are Government aware that schools are not opened in a village the inhabitants of which are not able to provide buildings ?

Is it a fact that on account of poverty the poor people are not able to provide building for the purposes of a school and their young children are deprived of education ?

Will Government considering the poverty and the backwardness of the people itself arrange for the buildings in future and remove this inconvenience of the people ?

THE HON'BLE MR. WAJAHAT HUSSAIN : The reply to the part 1st is in the negative.

The 2nd and the 3rd parts of the question do not arise.

86. MR. ABDUL KARIM : (a) Is it a fact that Government has issued orders to the effect that the zamindars who have reclaimed land from the Khalsa area and are cultivating or have cultivated it should be ejected therefrom ?

(b) That both the Government and the zamindars stand to lose if Nautor land is allowed to be barren by ejecting the zamindars therefrom ?

(c) If in reality it contributes to a loss what objection do Government have in allowing the Nautor land to remain as before ?

THE HON'BLE MR. K. N. KNOX : (a) The question is vague as the Praja Sabha Sad has not defined the order referred to by him. If he refers to the order regarding ejectment of Najaiz Nautor Kunandas the reply is in the affirmative.

(b) and (c) The indiscriminate cultivation of waste land has been condemned by one Settlement Commissioner after another as causing serious injury to the general public.

87. MR. ABDUL KARIM : Is it a fact that occupancy tenants (Mawroos) can build residential houses without the permission of the land lords (Malik in the area they occupy ? If not, why ?

THE HON'BLE MR. K. N. KNOX : The position is laid down in Section 44 (a) of the Tenancy Regulation.

88. MR. ABDUL KARIM : Will the Government please state whether it has prepared any scheme for doing away with the "Gala Batai" system ?

If the answer be in the affirmative, when will it be put into practice ?

THE HON'BLE MR. K. N. KNOX : No.

89. LALA LAJPAT RAI : () : (a) Will the Government please state whether the evil of gambling is increasing for want of control of the authorities in the villages ?

(b) What objection do Government have if the Lambar-dars or Zaildars or respectable villager of good social status are granted special powers to check this evil ?

PANDIT RAM NATH SHARMA : (On behalf of the Hon'ble Judicial Minister) : (a) The Government are not aware that the evil of gambling is increasing day by day.

(b) The suggestion made in (b) is vague. It is not understood what powers the member proposes to grant to Lambardars and Zaildars for checking the evil of gambling.

90. LALA LAJPAT RAI : (a) Are the Government aware that on account of the wheat market being situated in the centre of Jammu city the rat breed is increased by the existence of the grains and the neighbouring houses and lanes are haunted by these due to which there is a permanent danger of infection of the epidemic ?

(b) Will Government very kindly shift the wheat market to some place near Gumat Gate which is a suitable place ?

(c) Do Government intend to take necessary steps in the light of the above reasons ?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : (Finance Minister) : The vacant land known as Artillary lines Gumat is proposed to be utilised for the construction of the Wheat market when the resources of the Municipality admit of the project being undertaken. As it involves heavy expenditure and cannot be financed out of the normal annual income of the Municipality, the Minister in charge of the Municipalities proposes to go further into the matter with a view to explore the

possibility of raising the necessary funds by other means.

91. LALA LAJPAT RAI: Will the Government please state;

(a) As to what sum and number of scholarships have been allotted for poor Harijan students?

(b) What amount out of this sum is distributed among the poor students and where the remaining sum is utilized?

THE HON'BLE MR. WAJAHAT HUSSAIN: (a) A sum of Rs. 6,400/ is sanctioned for the grant of scholarships to Harijans. The details are as under:—

2	scholarships for B. A. of Rs. 9 each	....	216
2	„ „ F. A. „ 6 „	...	142
50	„ „ High classes of Rs 3 each.		1,800
75	„ „ Middle „ „ 2 „	1,300
136	„ „ Primary „ „ 2 „	...	1,632

Total	5,592
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For girls	800
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GRAND TOTAL	6,392
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The total amount spend during 1936 was Rs. 2,761. The whole amount of the grant was not spent because of the fact that a sufficient number of deserving and capable students was not available.

92. MIAN AHMED YAR (Muzaffarabad Muslim): Will the Hon'ble Judicial Minister please state:—

(i) As to why and under what rules have powers of criminal court to try departmental cases been conferred upon the Officers of the Game Preservation. The Forest and the Customs Departments?

(ii) Why are there any such restrictions that (departmentals cases) criminal cases pertaining the contractors of the Forest Department should not be tried in the Tehsildar's Courts?

(iii) Will the High Court take back from the officers of the above mentioned department powers to try departmental cases referred to in part (i) and will the restriction that the cases referred to in (ii) be not tried in the courts of the Tehsildars be removed so that the responsibility may lie upon the Judicial and the executive authorities and the difficulties of the zamindars may be removed?

PANDIT RAM NATH SHARMA: (in behalf of the Hon'ble Judicial Minister): (i) The High Court is competent to grant powers of a magistrate to any departmental officer in the interest of work and administration of criminal justice.

(ii) The restriction to the trial of a departmental case by a Tehsildar applies only to places where there are civil court Magistrates.

(iii) It is not advisable to withdraw powers from the departmental officers or to let Tehsildars hear departmental cases even at those places where there are civil court magistrates. Experience has shown that considerable delay is caused in the disposal of the work in the courts of Revenue Magistrates who as executive officers tour in their executive capacity for a part of the month at-least.

Attention of the Member asking the question is drawn to the reply given to Q. D. No. 75 of October 1935.

(a) Magisterial powers are granted under special laws to various officers of different departments other than judicial. This is done in the interest of Government work and for the convenience of the public. Such powers are granted to officers of more service and experience.

(b) The justice to be administered is of the character closely connected with the duties of these officers so the Government is assured and it is expected that justice is properly administered by these officers who make a right and lawful use of these powers.

(c) The Government is assured by the Chief Justice who has a very long experience of justice administered by Indians that an Indian has inherent aptitude for administering justice pure and unalloyed. It may be a surprise to the Member that the Chief Justice who sees every such case has often to administer section to these departmental magistrates against accusing accused persons and set for convicting them.

(d) The precedent of giving powers to Sub-Divisional Magistrates, District Magistrates and first class Magistrates, to people entirely ignorant of law is well established in England. Possibly the Member does not know that in England except cases requiring sessions trial by the help of jury criminal justice is administered by persons entirely ignorant of law, men who may have local influence. These appointments are made for political reasons and as soon as one party comes

into power all Magistrates are appointed out of persons who belong to that party and not the defeated party. Possibly the Member will recognize the Government in England to be just, lawful and civilized.

(e) As there is a precedent the Government will not consent to discontinue this system.

PANDIT RAM NATH SHARMA: (addressing Mian Ahmed Yar): If you want I can read out the reply to Q. D. No. 75 of the last Srinagar Session.

MIAN AHMED YAR: Yes. It may be read out.

Note. The Judicial Secretary read out the reply.

MIAN AHMED YAR: Will it be stated that the former Hon'ble Judicial Minister had declared that the Judiciary and the executive will be separated.

PANDIT RAM NATH SHARMA: It is not exactly in the sense what you have said that was stated there.

MIAN AHMED YAR: Can it be proper that the Forest Department itself should prosecute the case and then pass the judgment in the capacity of a Judge?

PANDIT RAM NATH SHARMA: It is a departmental procedure. These officers decide the cases in the capacity of a Magistrate with due regard to the case and to the facts and keeping in view the justice.

MIAN AHMED YAR: These officers give first and foremost consideration to the interest of their department and their subordinates are the complainants. For this reason they are naturally prejudiced and cannot administer right sort of justice.

PANDIT RAM NATH SHARMA: If ever under these particular circumstances a case like this is so decided the aggrieved party can bring to the notice of the Government that the certain officer has not properly administered justice departmentally. Besides he is entitled to file an appeal too.

MIAN AHMED YAR: The witnesses too are the employees of the Department. Can they under such circumstances properly hear the case. In this way it is prejudicial to the sense of justice.

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.): (addressing the Judicial Secretary): Who investigates?

PANDIT RAM NATH SHARMA: They do not themselves investigate. It is their subordinates who investigate.

MIRZA M. A. BEG: I beg to submit that the D. F. O. is himself is an officer of the department and

naturally his primary consideration is to look the interest of the department and not those of accused. In that case how can it be proper to entrust these officers with judicial powers?

PANDIT RAM NATH SHARMA: The experience has shown us that such officers are above these things. They are not prosecutors but are trying magistrates and their conduct is considered to be based on justice.

MIRZA M. A. BEG: How justice can be expected when the department itself is a party to the case and the trying magistrate is an officer of the same department? It is quite evident that injustice is done to the accused in this way.

PANDIT RAM NATH SHARMA: So far as the facts are concerned it is true that they are not prosecutors in the cases but in view of the principle of justice they have been given power to act as magistrates to try the departmental cases. As replied in the previous question they are most competent persons to administer justice and they are fit for this work.

MIRZA M. A. BEG: What justice can be expected when one party in the case is a Judge to decide the case regarding the party.

PANDIT RAM NATH SHARMA: Justice can be administered in this way. This is the best way.

MIRZA M. A. BEG: But it is against the principle of justice and equity that the trying magistrate should be one of the parties who are in the know of things and interested in the case.

PANDIT RAM NATH SHARMA: But his knowledge of the facts does not amount that he is interested in the case.

LALA HANS RAJ: I think a resolution ought to be moved concerning it. (laughter).

SARDAR KANHAYA SINGH: Sir I beg to submit as to how it can be amenable to justice that in a case the complainant is also the witness, the prosecutor and the Judge. It is against the principle of justice.

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukarji Kt.): It should be a question and not argument as you do. Mian Ahmed Yar asked the question and it has been replied.

SARDAR KANHAYA SINGH: What inconvenience is apprehended if powers to hear cases are entrusted to Tehsildars and the Judicial Officers?

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji

Kt.): This question has already been replied.

MIAN AHMED YAR: Do the magistrate hear cases of Kuth in places where the officers of the department have no power to hear such cases?

PANDIT RAM NATH SHARMA: Civil Court Magistrates, wherever they are hear such cases otherwise there are tried by the Tehsildar. For instance in Uttermachhi pura Tehsil the Tehsildar tried these cases. A circular order has been issued to the effect.

MIAN AHMED YAR: Will Government please state the reasons as to why the land revenue which is to be levied proportionately to the produce is assessed at a higher rate here than the adjoining districts of British India viz., Sialkot, Jhelum, Rawalpindi and Hazara and why should this rate be not reduced to that which is assessed in the above districts of the Punjab?

THE HON'BLE MR. K. N. KNOX: The pitch of assessment of land revenue was examined and discussed in the Glancy Commission Report. Sialkot was assessed in 1899 A. D. and Mirpur was assessed in 1930. None could except the rate assumed to be the same in both cases. Government are not prepared to accept the statement that rates assumed generally in the Jammu Province are higher than the rates assumed in the four Punjab districts named. No regular settlements are being conducted at present and the question of reducing the percentage of the assets to be taken does not arise and would only arise if a re-settlement were undertaken.

MIAN AHMED YAR: Cannot Government reduce the land revenue without re-settlement?

THE HON'BLE MR. K. N. KNOX: No reduction in rates can be made without a re-settlement. We cannot reduce land revenue without the revision of settlement but have power to remit.

94. MIAN AHMED YAR: Will Government please state as to why the rates of customs duty in the State are much higher than those in the other native States and why are other necessities of life like medicines not included in the list of articles exempted from customs duty as is the case in other States?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: Government is concerned with the affairs of its own State and the taxes have been fixed accordingly.

MIAN AHMED YAR: I referred to our own State.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: The existing conditions of the State are such as necessitate the raising of the duty.

MIAN AHMED YAR: Can you mention those conditions?

MOULVI MOHAMMED ABDULLA: Can you state reasons why there is a higher rate of customs duty in the State?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: It is because we have snow falls here in the State whereas it is much hot outside the State. (Laughter).

95. MIAN AHMED YAR: Will the Hon'ble Home Minister please states:-

(i) What was the annual expenditure on the dispensaries at Danna and Tangdara District Muzaffarabad?

(ii) Whether these two dispensaries by reason of the hilly condition and the scattered population of the district will be re-started?

(iii) Whether it will be enjoined upon the Lady Doctor to undertakes a tour in Muzaffarabad District at least for one month after every three months?

THE HON'BLE MR. WAJAHAT HUSSAIN:—

(i) Annual expenditure on the dispensaries at Danna and Tangdara (District Muzaffarabad) was Rs 2,364/- and Rs 2,204/ respectively.

(ii) There is no proposal to start new dispensaries.

(iii) The Lady Doctor has to tour on a large area, and it will not be fair to other parts of the valley if she is asked to devote such a long portion of her time in Muzaffarabad alone.

MIAN AHMED YAR: There ought to be a zanana hospital just as there are hospitals at Anantnag, Srinagar and Baramulla.

THE HON'BLE MR. WAJAHAT HUSSAIN: The Lady Doctor is in charge of the travelling dispensary and she tours there.

MIRZA M. A. BEG: There is no State Zanana Hospital at Anantnag.

THE HON'BLE MR. WAJAHAT HUSSAIN: No.

96. MIAN AHMED YAR: Will the Hon'ble Home Minister please state as to:—

(i) Whether orders for completing Upper Middle classes in Titwal, Keran, Danna and Ghori will be issued in Baisakh 1994 and will

arrangements for providing these schools with necessary and suitable building be made ?

THE HON'BLE MR. WAJAHAT HUSSAIN : There are Primary schools at Keran and Ghorri and Lower Middle schools at Tetwal and Danna. An upper Middle school will be opened at Danna with effect from Baisakh 1994. The buildings have been arranged for all these schools.

MIAN AHMED YAR : Teetwal is in Karnah Tehsil and is at a distance of about thirty or thirty-five miles from Muzaffarabad. Moreover there is no Middle school in whole of the Tehsil. In view of this fact and the distance will arrangements be made to open a Middle school there ?

THE HON'BLE MR. WAJAHAT HUSSAIN : No arrangement can be made all at once. The school will be opened at Danna. Arrangement in this connection will be made next year.

97. KHAWAJA ALI MOHAMMED : () :
(a) Is the Hon'ble Revenue Minister prepared to enquire into the communal proportion in the Government services in the Revenue Secretariat? Revenue Department, Forest Department, Food Control, Agriculture and Sericulture Department etc, and state the number of Gazetted posts non-Gazetted posts and menials in these Departments ?

(b) If the reply be in the affirmative, is the Hon'ble Revenue Minister in view of the paucity of the Muslims and with a view to make up the proportion prepared to stop the recruitment of the non-Muslims till the proportion is made up ?

(c) If the reply be in the negative, it may please be stated as to which other means to make up the proportion of the Muslims are under the consideration of the Government ?

THE HON'BLE MR. K. N. KNOX : (a) A statement showing the required information is placed on the table of the Praja Sabha Sad.

(b) and (c) The question of removing the existing disparity in the various Departments in the Revenue Portfolio is already engaging attention. Every possible effort will be made gradually to remove the disparity consistently with the recommendations of the Glancey Report.

Statement showing the communal proportion in the
Departments under Revenue and
Development portfolios.

REVENUE SECRETARIAT.

Revenue Section.

	Gazetted.	non- Gazetted.	Menials.
Hindus	...	31	13
Muslims	...	12	3
Sikhs	...	2	...
Others
Vacant
Total	2	45	16

Development Section.

Hindus	...	7	3
Muslims	...	3	2
Sikhs	...	...	...
Others	...	...	...
Vacant	...	...	...
Total	...	10	5

Revenue Department.

Hindus	...	36	1,129	373
Muslims	...	15	389	346
Sikhs	...	5	52	56
Others	...	...	14	49
Vacant	...	...	...	...
Total	...	56	10,584	824

Agriculture Department.

Hindus	...	3	22	7
Muslims	...	1	13	233
Sikhs	...	1	2	3
Others	...	...	...	13
Vacant	...	...	2	15
Total	...	5	39	271

Veterinary Department.

Hindus	...	1	18	4
Muslims	...	1	19	31
Sikhs	...	...	2	...
Others	...	...	...	1
Vacant	...	...	...	...
Total	...	2	39	36

Food Control Department.

Hindus	...	...	138	12
Muslims	...	1	33	44
Sikhs	...	...	1	2
Others	...	1	...	...
Vacant	...	...	...	...
Total	...	2	172	58

Forest Department.

Hindus	...	26	323	676
Muslims	...	6	75	316
Sikhs	...	1	16	125
Others	...	1	2	...
Vacant	...	1	2	...
Total	...	35	415	1,117

Sericulture Department Kashmir.

Hindus	...	3	39	79
Muslims	...	1	15	140
Sikhs	...	...	...	13
Others	...	2	...	...
Vacant	...	...	2	...
Total	...	6	56	232

Mulberry Culture Department Kashmir.

Hindus	...	...	6	13
Muslims	...	...	4	28
Sikhs	...	...	...	2
Others	...	...	...	...
Vacant	...	...	...	...
Total	...	...	10	43

Jammu Sericulture Department.

Hindus	....	2	22	50
Muslims	...	...	2	22
Sikhs	...	....	....	....
Others	...	...	....	....
Vacant	....	....	...	....
<hr/>				
Total	...	2	24	72

Industries Department.

Hindus	...	6	109	71
Muslims	...	....	21	17
Sikhs	....	...	....	1
Others	....	...	1	....
Vacant	....	....	1	....
<hr/>				
Total	....	6	132	89

Game and Fish Preservation Department.

Hindus	....	2	17	47
Muslims	....	....	10	85
Sikhs	....	....	4	18
Others	....	....	....	4
Vacant	....	...	...	....
<hr/>				
Total	....	2	31	154

(Sd.) K. N. KNOX,
REVENUE MINISTER.

98. KHAWJA ALI MOHAMMED: Will the Hon'ble Home Minister please state as to (a) What is the period of service Bakhshi Karam Chand Assistant Engineer Lower Sub-Division Domel and what is his age at present?

(b) Since how many years is he posted at Domel and why has he not been transferred to any other place during this period?

(c) Are there any Government orders that on account of a case of bribery or any other matter against him, his promotion be stopped in future?

THE HON'BLE MR. WAJAHAT HUSSAIN: (a) He has served for 29 years and his age is 50 years.

(b) Transfers are made in the exigency of service.

(c) No.

THE HON'BLE MR. WAJAHAT HUSSAIN: The question asked by you contains an allegation against an officer

and his allegation is incorrect.

99. KHAWAJA ALI MOHAMMED: (a) Will the Hon'ble Revenue Minister please state the number of the labourers who daily work in a branch of the Sericulture Department called "Press" and what are their daily wages?

(b) How much staff has been employed for the supervision of these labourers and what is the monthly expenditure incurred on this staff?

(c) Was not one Inspector sufficient for the supervision of these labourers?

(d) If the reply to (c) be in the affirmative, what are the reasons for employing an unnecessary staff for supervising a few labourers?

THE HON'BLE MR. K. N. KNOX: (a) The question is vague. There is no Press in the Department. (b), (c) and (d) Do not arise.

KHAWAJA ALI MAHOMMED: Sir, The Praja Sabha Secretary and his staff has made a mistake in translation. The meaning of my question has not been understood. They think that Press only means a printing press. There is branch in the Sericulture Department known as press where silk is pressed.

MIAN AHMED YAR: The word "press" has been misunderstood.

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.): You may put another question. The reply which has been given to you is not incorrect.

KHAWAJA ALI MOHAMMED: Sir, the reply is incorrect. The meaning of press is something else than printing press.

THE HON'BLE MR. K. N. KNOX: That is my information from Srinagar and from Jammu too, I enquired and there is no press in this Department.

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.): On enquiry regarding press it was found that no such branch exists there.

A VOICE: The press does not mean this.

MOULVI MAHOMMED ABDULLA: Sir, nothing is heard. Thank God! it has been unanimously agreed that nobody can hear. The purpose for which we have assembled here cannot be served in this manner.

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.): The arrangements are being made to set up a Shamiana and a Qanat. There has been an improvement today and it is hoped that tomorrow we will have still

more improvement.

LALA HANS RAJ: When will this defect be removed? It is beyond cure. It would have been better if some other interior room had been chosen for this session.

100. KHAWAJA ALI MOHAMMED: Will Government please state the following figures regarding the Forest Department:—

(i) What is the number of the following posts and how many of them are Muslims:—

- (i) Conservators
- (ii) Assistant Conservators
- (iii) Rangers
- (iv) Foresters
- (v) Clerks
- (vi) Superintendents
- (vii) Head Clerks and Stenographers
- (viii) Divisional Head Clerks
- (ix) Divisional Clerks.

If there is paucity of Muslims in this Department are Government prepared to increase the proportion of the Muslim? If so when can it be expected?

THE HON'BLE MR. K. N. KNOX: (a)

	No. of posts.	Muslims.	Vacancies.
(1) Conservators	2	...	...
(2) Asstt. Conservators	32	6	1
(3) Rangers	90	21	...
(4) Foresters	197	48	...
(5) Sherks	3	...	...
(6) Superintendents	3	...	...
(7) Head Clerks and Stenographers	3	...	...
(8) Divisional Head Clerks	27	1	...
(9) Divisional Clerks	79	5	...

(b) The Chief Conservator of Forests is already endeavouring to increase the proportion of Muslims in the Forest Department as far as possible.

VOICES: Please read out the table which you have got.

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.): (to the Governor): Please read out the table.

Note. The Governor read out the table.

PANDIT JIA LAL KILAM : Sir, I would like to put a supplementary question. The learned gentleman has said

VOICES : Please speak in Urdu.

PANDIT JIA LAL KILAM : He has said that the Chief Conservator is endeavouring to increase the proportion of the Muslims. My question is whether he is trying to decrease the proportion of others ?

VOICES : Otherwise how will the number increase.

THE HON'BLE MR. K. N. KNOX : Yes.

PANDIT JIA LAL KILAM : Thank you.

SARDAR HARI SINGH : If any person from the backward communities is qualified or is foreign trained, will he be provided in the Forest Department ?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : He should work in his own forest till he is provided. (Laughter).

101. KHAWAJA ALI MOHAMMED : (i) Is it a fact that in the year 1985-86 the Chief Electrical Engineer submitted to Government two schemes relating to the Mohora Power House ?

(ii) What were these schemes and what was the expenditure estimated for each of these schemes and what was the estimated life of each of them ?

(iii) Which of these two schemes was approved by the Government and since when has that scheme been put into operation ?

(iv) Is the flume being constructed a fresh or is it repaired at places where it is broken ?

(v) What are the annual maintenance charges on this flume ?

(vi) For how many miles has the flume been repaired upto the present day and what has been the total expenditure incurred on it along with the annual maintenance charges ?

(vii) How many miles of the flume still remain to be repaired and what will be the total expenditure on it ?

(viii) Is it a fact that inspite of incurring so much expenditure the flume has not been constructed a fresh but it has been repaired and it will not last for more than ten years ?

(ix) Is it also a fact that if the scheme of constructing iron flume would have been given effect to, it would have lasted for 50 to 60 years and the expenditure would not have been incurred so much as has been incurred only on the repairs ?

(x) Are Government prepared to appoint a commission to enquire into spending of Government money so lavishly? If not, why?

THE HON'BLE MR. WAJAHAT HUSSAIN: (i) No, only one scheme was submitted. Another scheme was also discussed in the proposal but it was not recommended.

(ii) (a) The scheme which was supported by the Chief Engineer was for rebuilding the wooden flume at an estimated cost of Rs. 6,26,700 with a life of 20 years.

(b) The scheme which he discussed but did not recommend was for the construction of an iron flume at an estimated cost of Rs. 13,56,831 with 40 years' life.

(iii) The first scheme was sanctioned by Government in 1986.

(iv) It is being constructed a fresh.

(v) The usual maintenance charges are Rs. 3,974 in 1992-93 as against Rs. 6,287 in 1985-86 and Rs. 10,000 in 1982.

(vi) The Length of the flume that has been repaired is 2 miles 27 chains and 37 feet at a cost of Rs. 5,40,707 and the maintenance cost Rs. 47,155 in the last 10 years.

(vii) 2 miles 5 chains and 62 feet of wooden flume remain yet to be rebuilt. The total expenditure will depend on the cost of timber and other materials which are yet to be purchased.

In 1985-86 the cost of deodar scantlings was -/12/- per cft. It went on increasing every year and this year it is Rs. 1/10/6 per cft.

(viii) This is not a fact that the wooden flume is being only repaired. It is being rebuilt a fresh and will last for at least 20 years.

(ix) No.

(x) No.

102. SARDAR HARI SINGH: Will Government please state when the road from Jammu to Udhampur has been in use for the last 25 years and that when no accident has taken place there why did the Government undertake the construction of the road passing by the Hotel, in the area lying adjacent on the North side of the Sericulture Silk Factory while other numerous roads are lying incomplete for want of funds?

THE HON'BLE MR. WAJAHAT HUSSAIN: The blind corner was extremely dangerous and its removal was necessary for the safety of traffic.

The Government is annually providing funds for the construction of new roads. During the current year the provision for the following roads have been sanctioned in Jammu Province :—

	Rs.
(1) Fair Weather road Nowshera Janger...	54,240
(2) " " " from Akhnoor to Sadhoti ...	1,32,100
(3) Fair Weather road Kathua to Basohli.	24,000
(4) Mirpur Bhimber road <i>via</i> Chhapper ...	17,000
(5) Improvement to Paddar Road ...	6,000
(6) Survey of Kishtwar Paddar Road	1,073
(7) Remetalling and coaltarring 3 miles of Banihal Road	30,000
(8) Batote Bhadarwah Road ...	35,000
(9) Metalling Jammu Samba Road ...	12,000

SARDAR HARI SINGH: My question is that inspite of the fact that no accident took place on this road for the last twenty or twenty-five years, a road has been constructed there. Whether similar questions have been put regarding Kathua and Akhnoor the replies given in every session were that Government had no funds for such expenditure. But what then is the reason for constructing a road there?

Note. The Hon'ble Home Minister gave some reply in in-audable tone.

MOULVI MOHAMMED ABDULLA: The reply must have been very precious but it has not been heard. Please repeat the reply.

THE HON'BLE MR. WAJAHAT HUSSAIN: He (meaning Sardar Hari Singh) has heard the original reply.

103. SARDAR HARI SINGH: Will Government undertake the opening of such Hospitals in Jammu and Srinagar cities and in towns like Mirpur and Anantnag where pregnant women could be admitted for delivery so that at the time of delivery all necessary medical aid may be available without any loss of time? If not, why?

THE HON'BLE MR. WAJAHAT HUSSAIN: In Jammu and Srinagar, State Hospital have been opened for many years. The construction of a Zenana Hospital at Mirpur is under consideration and it is hoped will soon be commenced.

At Anantnag there is a Mission Zanana Hospital towards which Government is paying an annual grant-in-aid.

At Baramulla there is a Zanana Hospital run by St. Joseph's convent, towards which Government is paying

an annual grant-in-aid.

It is not proposed to open any more Zanana Hospitals at present.

LALA RAM LAL : It has been stated in the reply that with regard to Mirpur the matter is under consideration. When will it be actually done?

THE HON'BLE MR. WAJAHAT HUSSAIN : Very soon.

LALA RAM LAL : Sir, the promises have always been made. Will a Hospital be set up before the coming session? Will it be set up before or after it?

THE HON'BLE MR. WAJAHAT HUSSAIN : When will the next session commence?

VOICES : After six months.

104. SARDAR HARI SINGH : Will Government please state the number of the Gazetted Officers and senior teachers whose pay is above Rs. 82 in the Education Department and what is the number of Hindus, Sikhs and Muslims in them, if there is no Sikh then there will Government please make up this deficiency? If not, why?

THE HON'BLE MR. WAJAHAT HUSSAIN : The information required by the member Praja Sabha is as under :—

	Muslims.	Hindus.	Sikhs.	Total.
Gazetted	17	53	1	71
Non-Gazetted who get above Rs. 82	7	56	...	63

One Sikh Gazetted Officer is working in the Department.

SARDAR HARI SINGH : If it refers to Professor Bahadur Singh I would inform you that he breathed his last. Is there any other Gazetted Officer in this Department in addition to him?

MAJOR GENERAL RAO BAHADUR THAKUR JANAK SINGH JI : Perhaps the pay is remitted to him there by Money Order. (Laughter).

SARDAR HARI SINGH : Is the Government prepared to make up this noticeable deficiency of the Sikh community? No reply has been given to my question.

THE HON'BLE MR. WAJAHAT HUSSAIN : The Government are certainly prepared to do so.

SARDAR HARI SINGH : When?

THE HON'BLE MR. WAJAHAT HUSSAIN : When the opportunity arises.

SARDAR HARI SINGH : The opportunity will arise.

when the time has passed.

105. WAZIR MOHAMMED KHAN: Is it a fact that illaqa Astore is a much bigger illaqa than Bunji and that from early times one Sub-Inspector one Head Constable and a few constables used to be posted there for investigating cases but now for the last three months this system has been discontinued and the Havaladar at Bunji is detailed to discharge the duties of a Sub-Inspector at Astore and to stay for a fortnight at Astore and for the other fortnight at Bunji. This change has proved prejudicial to the public peace and safety. Will the Government please enforce the old practice?

THE HON'BLE MR. K. N. KNOX: Yes. So long as the Tehsil Head quarters was Gilgit a Sub-Inspector of Levies was posted at Astore. Now that the Tehsil Head-quarters is Bunji which is much nearer to Astore than Gilgit, the Kotwal at Bunji has been entrusted with Astore work also. As regards separate Sub-Inspector for Astore, the Wazir-i-Wazarat Ladakh will be consulted.

106. SUBEDAR KHAN MOHAMMED KHAN: () Has anybody ever gone for game into any of the four Shikargahs namely Kharal Mallalian Kurkat Thakri and Sahjo and was any restriction imposed on the grazing of cattle there?

If the answer be in the affirmative, then why have the zamindars been prohibited from grazing their cattle there when drinking water for the cattle is also in these Shikargahs?

Will Government give occasion to the zamindars of Kharal Mallalian, Kot Ballari, Qaderabad, Chhatar Brahminan, Seri Kothri to be thankful by allowing the grazing of cattle there?

THE HON'BLE MR. WAJAHAT HUSSAIN: The question has probably been withdrawn.

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.): Thank you. It is not shown here.

SUBEDAR KHAN MOHAMMED KHAN: It has been stated with regard to this question that it deals with Reserved Subject.

107. SUBEDAR KHAN MOHAMMED KHAN: Will it please be stated as to whether in Tehsil Sadnohti Customs posts (1) Cheh Chan (2) Dhara Gali (3) Hillan (4) Kulla (5) Mangari (6) Dhan Gali (7) Chama Gali (8) Tata Pani (9) Kas Munda (10) Dasari Sehra (11) Kher Gholi (12) Jaister Gali (13) Zaien (14) Putri (15) Phagwara Gali (16) Jiska Gali (17) Savarha Gali (18) Adjoining

Sava (19) Gali Suian (20) Dhar Maghan (21) Dhara Maghan Khan (22) Bhimber Gali (23) Dhorian (24) Bugabjaz (25) Behran Ghala (26) Pushana (27) Hall Koka (28) Garjan (29) Cheh Seri Tehsil Havali Customs post (30) Loran (31) Nurpur (32) Gagarian (33) Hillan (34) Bacha Gali (35) Alia Abad (36) Nazanari (37) Dhar Shero Tehsil Bhag (38) Hunza Gali (39) Sudhan Gali (40) Hans Chowki and other minor Customs posts where 180 chaprasis 52 Mahaldars and 4 Inspectors are appointed are situated in Khushak Mahals *i. e.* on the boundry between Jammu and Kashmir and Poonch? If the answer be in the affirmative, monthly income and expenditure of these customs posts may kindly be stated.

WAZIR FEROZ CHAND (): Yes. Monthly income and expenditure of these posts is approximately Rs. 5,424 and 1,509 respectively.

108. SUBEDAR KHAN MOHAMMED KHAN: Will it please be stated whether in Tehsil Mehnder and Haveli some waste lands have been included in the forest boundaries of the demarcated and whether applications have been made to the Chief Revenue Officer for declaring this area "Nautor"?

If the answer be in the affirmative, what action have been taken on those applications?

WAZIR FEROZ CHAND: (Wazir Poonch): (a) No.

(b) No Nautor can be granted from the land inside the demarcated forests and as such applications are not entertained.

SUBEDAR KHAN MOHAMMED KHAN: If it is proposed that some waste land have been included in the demarcated forests, will those areas be excluded?

WAZIR FEROZ CHAND: (Wazir Poonch): So far as I know the waste areas have not been included in the demarcated forests. You should bring to my notice if any such thing has happened. I have not given my final sanction yet.

109. SUBEDAR KHAN MOHAMMED KHAN: Will it please be stated as to whether sanction was accorded for the opening of a canal from the river Poonch to irrigate Tahi area in Tehsil Mendher for which a sum was allotted and survey and estimate was prepared through the Public Works Department?

If the answer be in the affirmative, will it be stated as to when will this work be started? Both the rule and the ruled will be profited immeasurably by it?

WAZIR FEROZ CHAND: (Wazir Poonch): A proposal

for the construction of a Canal from the Poonch River to irrigate Tahi area in Tehsil Mandher was under consideration and an estimate of Rs. 18,000 was prepared by the Public Works Department in the year 1978 Sambat but the estimate was not sanctioned and therefore no allotment of funds made; until the Finance of the Illaqa improve, such an expensive project cannot be undertaken especially when works of other important nature such as construction of roads and bridges are in hand.

110. SUBEDAR KHAN MOHAMMED KHAN: Is it a fact that Tehsil Kotli, District Mirpur is situated at a distance of fifteen miles from Palandri, Illaqa Poonch and that it is a plain area (Maidan)? If the Jammu and Kashmir Government builds a bridge over the Kotli river and constructs a road from Kotli to Palandri the country will be greatly benefited? Will Government oblige the people by taking this welcome step in this direction?

THE HON'BLE MR. WAJAHAT HUSSAIN: The reply to the first part of the question is in the affirmative. No promise for the construction of the bridge and the road can be made until the expenditure that will be incurred on the works is known. The Public Works Department has been asked to submit a report.

SUBEDAR KHAN MOHAMMED KHAN: When will they submit the report?

HON'BLE MR. WAJAHAT HUSSAIN: I sent for the report from the Chief Engineer after having received the question.

SUBEDAR KHAN MOHAMMED KHAN: Will the work be started after having received the report?

HON'BLE MR. WAJAHAT HUSSAIN: It will be proposed in the Budget when the report is received and the work will be taken up if the funds are allowed.

111. LALA HANS RAJ: (): (a) Is it a fact that in the town of Gharota Tehsil Akhnoor, there is an incomplete well?

(b) Is Government prepared to complete the construction of that well and remove the inconvenience of the public which can be done by spending rupees one thousand or fifteen hundred only?

THE HON'BLE MR. WAJAHAT HUSSAIN: (a) Yes.

(b) Yes, but not during the current year as the grant sanctioned for the Kandi water supply has been spent in full.

112. LALA HANS RAJ : (a) Is it a fact that about three years ago a news was published in the papers regarding the raping of a Harijan girl by certain gazetted officers? Will Government please state whether any such information was sent confidentially to the Government through C. I. D. report and whether this incident actually took place?

(b) If the answer be in the affirmative, is Government prepared to place on the table of the House that report of the C. I. D.? If not, why? If it was a fact that what punishment was inflicted upon such officers of bad character and if they were not punished the reasons therefore may be stated?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) Yes. The matter was discussed at a meeting of Harijans.

(b) The report is confidential and cannot be made public. As the report was wrong, no action was taken against any officer.

LALA HANS RAJ : What does the confidential part of the report contain?

SHEIKH ABDUL HAMID : Because it is confidential, therefore it cannot be made public?

LALA HANS RAJ : How long will this confidential system continue?

THE HON'BLE MR. WAJAHAT HUSSAIN : So long as the C. I. D. exists. (Addressing the Hon'ble President), Sir, I am unable to give any information with regard to the C. I. D. report.

MR. JAGAT RAM ARYAN : The Hon'ble Home Minister has said that the C. I. D. report is confidential and cannot be made public. May I ask whether the report of the Harijans was wrong?

THE HON'BLE MR. WAJAHAT HUSSAIN : The complaint made in the meeting of the Harijans has been proved to be wrong.

LALA HANS RAJ : I want to say something.

MR. PRESIDENT : (The Hon'ble Sir Lal Gopal Mukerji Kt.,) : You may come forward and seat yourself in that chair.

Note. Lala Hans Raj went forward as asked by the President.

LALA HANS RAJ : My submission is that this is not an ordinary matter. No attempt should be made to conceal the facts.

SHEIKH ABDUL HAMID : Point of order Sir. I beg to submit that no body has any right to put forth arguments when any question is asked. He cannot

make a statement.

MR. PRESIDENT : (The Hon'ble Sir Lal Gopal Mukerji Kt.,) : Let us hear him. (Addressing Lala Hans Raj). An objection has been raised that you cannot deliver a speech.

LALA HANS RAJ : I beg to submit that this is an important matter and it is being concealed. My submission is that it should not be concealed. It will lead to evil consequences.

MIAN AHMED YAR : Are Government prepared to make a judicial enquiry with respect to this matter?

HON'BLE MR. WAJAHAT HUSSAIN : This is a new question.

MR. JAGAT RAM ARYAN : Did anybody hold an enquiry in this matter?

MR. PRESIDENT : (The Hon'ble Sir Lal Gopal Mukerji Kt.,) : This is a new question. This does not arise as a supplementary to the main question.

HON'BLE MR. WAJAHAT HUSSAIN : The police did hold an enquiry but the names of the officers are not known to me.

MR. JAGAT RAM ARYAN : The Senior Superintendent of Police appeared to have been involved in it.

LALA RAM LAL VAKIL : Was there any allegation against the Senior Superintendent of Police?

HON'BLE MR. WAJAHAT HUSSAIN : I do not know. I cannot make an enquiry unless I am fully aware of the facts of the case.

LALA RAM LAL VAKIL : Can it be incorrect when the Members of the House are alleging it?

HON'BLE MR. WAJAHAT HUSSAIN : All these allegations are baseless.

LALA RAM LAL VAKIL : You have said that on enquiry made by the Police all the facts have been proved to be incorrect. Are you prepared to make an impartial enquiry yourself now?

MR. PRESIDENT : (The Hon'ble Sir Lal Gopal Mukerji Kt.,) : This is not a supplementary question. You may ask another.

MOULVI MOHAMMED ABDULLA : As has said that this matter has been proved to be incorrect on the C. I. D. report.

HON'BLE MR. WAJAHAT HUSSAIN : I have made no mention about the C. I. D.

MOULVI MOHAMMED ABDULLA : What did C. I. D. report contain?

SHIEKH ABDUL HAMID: He has stated that it is confidential.

MOULVI MOHAMMED ABDULLA: The word confidential implies that there is something suspicious in the matter.

MR. JAGAT RAM ARYAN: Sir, we were the informers but we were not called for at the time of enquiry.

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.): You may consider the reply given as incorrect if you so like. It cannot be a supplemantary question.

MOULVI MOHAMMED ABDULLA: The reply has created a bad atmosphere in the House.

A VOICE: Certainly.

LALA HANS RAJ: Sir, make an enquiry about this matter and depute me to do it. I take the responsibility to do it.

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.): No permission can be granted for discussion.

LALA RAM LAL: The House is not satisfied with the reply given to this question.

113. LALA HANS RAJ: (a) Is Government aware that Sanitary Inspectors are appointed at Ranbirsinghpura, Samba and Akhnoor though if some allowance is conceded to the local Doctors they can discharge the same duties as well?

(b) If the answer be in the affirmative, is Government prepared to bring under reduction the posts of Sanitary Inspectors by absorbing them else where or appoint them to some other places and spend the money thus saved for the improvement of these towns?

THE HON'BLE MR. K. N. KNOX: (a) No. (b) Does not arise.

114. LALA HANS RAJ: (a) Is Government prepared to open a Travelling Veterinary Dispensary in the town of Ramgarh because there and in the surroundings there are many zamindars who chiefly depend on cattle for their livelihood?

(b) If the answer be in the affirmative, when does the Government intend opening a Veterinary Hospital? If the answer be in the negative, the reasons therefore may please be stated?

THE HON'BLE MR. K. N. KNOX: It is not possible to have a Veterinary Dispensary at Ramgarh at present.

(b) Veterinary Dispensary Ranbirsinghpura which is shortly going to be opened will render Veterinary aid to Ramgarh. The distance between the two places is

only about 14 miles.

In fixing the tour programme of the Travelling Veterinary Dispensary that is likely to be established this year, Ramgarh will receive special consideration.

115. LALA HANS RAJ: (a) Is Government aware that Ale House in Akhnoor is situated right in the centre of the town where grown up boys and girls also pass while the intoxicated lewd drunkards talk ribaled there?

(b) If the answer be in the affirmative, is Government prepared to remove the Ale House to some place at a distance from the town? If not, why?

(c) If the answer be in the affirmative, when will Government do so?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: Orders have already been issued for the removal of the liquor shop from the present site and the change would soon be effected.

116. LALA AMAR NATH KOHLI: (): Will the Hon'ble Home Minister please supply the information:—

(a) Who are the different authors and publishers of the different Text Books prescribed for Middle and High classes in the State schools. The name of the books, authors and publishers may be given separately?

(b) What percentage of the books is published by Mohammedan publishers?

(c) How many of the above books are publised in the State?

(d) Does Hon'ble the Home Minister know that there are better Books on some subjects and will he consider the advisability of changing it if he is shown any such case?

THE HON'BLE MR. WAJAHAT HUSSAIN: (a) The books for the High Classes are prescribed by the University. The details regarding the books for the Middle classes are as under:—

Book.	Author.	Publisher.
1. Macmillans New English Reader.	.....	Macmillan & Co.
2. English Grammer	S. A. Rashid Esq., Lecturer P. W. College Jammu.	Malik House Lahore.

Book.	Author.	Publisher.
3. English translation.	Mr. Abdul Aziz B. A., B. T., Head Master Akbar Islamia High School Jammu.	Punjab Book Depot, Lahore.
4. Arithmetic	.....	Feroz Din & Sons Lahore.
5. Geometry	Messrs Shridar Kaul & Jia Lal Pandita.	J. & K. Publish- ing House Lahore.
6. Urdu	M. Mumtaz Ali.	Darulishaat Lahore.
7. Quaid Urdu	M. Gul Mohd. Khan & M. Rafi Din.	Sh. Barkat Ali & Sons Lahore.
8. Twarikh-i-Hind.	Prof. Mohammed Shaffi.	Q u a m i Qutab Khanna Lahore.
9. Geography	M. F a z a l Haq, Lecturer P. W. College Jammu.	The Book still being under print, the name of the publisher is unknown.
10. Hygiene	.....	Gulab Singh & Sons Lahore.
11. Hindi	Messers Ram Rakha Laxha Ram & Vir Datt.	The Book Still Being under print the name of the publisher is not known.

(b) One.

(c) The names of publishers of two out of 19 books are not known because they are still under print. One of the publishers is an English man. Out of the publishers of remaining 16 books nine are Hindus and seven Mohammedans that is 37 per cent. of the books are published by Muslims.

(d) I do not know that book is prescribed for a period of three years. Generally the books are not changed during this period but if a good book is sent by an author after the expiry of this period it is considered.

117. LALA AMAR NATH KOHLI: Will the Hon'ble Home Minister be pleased to inform the House as the

following :—

- (a) Is it a fact that regular registration as a contractor is necessary, if any one wants to be a contractor in P. W. D. Division?
- (b) Does the Minister know that of the registering of any individual contractor he should be entitled to handle any work, subject to the class in which he is registered, in the State P. W. D.?
- (c) Does the Minister know that times and again the authorities refuse to consider the right tender on very flimsy ground says "he wont be able to carry on the work in my opinion" etc.?
- (d) What action does the Minister propose to take in order that justice may be meted out to all the contractors?

THE HON'BLE MR. WAJAHAT HUSSAIN: (a) Yes.

(b) Not understood. Returned to the President Praja Sabha for elucidation.

(c) No.

(d) On the facts revealed in the question there is no occasion for taking any action.

118. LALA AMAR NATH KOHLI: Will the Hon'ble Home Minister be pleased to state :—

- (a) The number of vacancies caused by deaths retirements, transfers etc., in clerical and Secretariat under his kind control?
- (b) How many of the vacancies were filled up by the Mohammedans and how many by the Hindus, what percentage do the above bear to the total vacancies?
- (c) Was any chance given to any Harijan candidate who are the most backward class in the State?
- (d) Was any junior Mohammedan given any preference over a senior Hindu in the same Department? If so, why?

THE HON'BLE MR. WAJAHAT HUSSAIN: (a) The total number of vacancies during the last year was 27.

(b) Hindus	...	12
Muslims	...	13
Sikhs	....	2

The ratio is:—

Hindus	...	44 per cent.
Muslims	...	49 "
Sikhs	....	7 "

(c) No. Because no suitable Harijan was available.

(d) Preference was given to a junior Muslim over a Hindu in a temporary arrangement.

119. LALA AMAR NATH KOHKI: Will the Hon'ble Minister-in-charge Municipalities be pleased to answer the following :—

(a) Has the Minister or the Health Officer visited the Vegetable Market of Jammu between 8 A. M and 10 A. M. when the lorry which carries the refuse of the city is standing near by with a heap of refuse on one side of Vegetables lying on the other side of the lorry ?

(b) If he has seen above, do not the authorities think this contamination of food stuffs vegetables and fruits too serious a thing to be neglected for a day even while it has continued for a sufficient long time ?

(c) If they realize then what action do they propose to take in order to stop this filthy contamination.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: (a) Yes. The Health Officer visits the Market.

(b) The city refuse is immediatly removed after collection from the Purani Mandi in Lorries twice daily. The matter regarding enclosing the filth station to keep off the refuse from public view is under consideration. Moreover the vegetable market will be shortly removed to the old elephant shed where a Municipal Market is proposed to be constructed.

(c) Does not arise.

120. LALA AMAR NATH KOHLI: Will the Hon'ble Minister-in-charge Customs and Excise be pleased to answer the following few questions :—

(a) Does the Government know that there is no duty on the freight on goods imported under bond neither is any duty charged on the freight by the Government of India ?

(b) Does the Government that for the goods imported within India actual Railway freight is added in the cost of the goods and then the goods are assessed for customs duty ?

(c) Does this mean an undue hardship on the importer and consumer of Indian goods and a regular discouragement of Indian Trade and what action does the Government intend to take in order to amend it ?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: The present practice is based on the provisions of the Customs Regulation of the State. Enquiry is being made as regards the feasibility of modifying the present practice and the law without serious loss to the State.

121. WAZIR GANGA RAM: Is it a fact that:—

(a) The C. I. D. Department has been amalgamated with the Provincial Regular Police? If the reply be in the affirmative, will Government please state as to why and since when has this been done.

(b) Is C. I. D. under the Provincial Police in British India. If it is so in what parts of British India does this arrangement exist?

(c) If the reply to part (b) be in the negative, it may please be stated as to on what grounds have been followed the C. I. Department in the State has been put under the control of the Provincial Police when there is a separate Senior Superintendent and an Assistant Superintendent for the C. I. D.? Are Government prepared, as before to maintain the C. I. D. as a separate Department from the Provincial Police as heretofore? If not, why not?

THE HON'BLE MR. WAJAHAT HUSSAIN: (a) & (b) Yes, except for the Central Bureau which is under the control of the Senior Superintendent of Police, C. I. D. The C. I. D. was provincialised from Katik 1992. Central C. I. D. are advantageous in large Provinces in British India where they are used to co-ordinate the information received from the local Police and C. I. D. in districts. In the State however there are only two Provinces, and thus the work of co-ordination was very small, and it was found more advantageous to post the C. I. D. in the Provinces, where they work like the local district C. I. D. in British India.

(c) The Government sees no reason to alter the present arrangement.

WAZIR GANGA RAM: Do Government consider the arrangement of the British India better or that of the State?

THE HON'BLE MR. WAJAHAT HUSSAIN: That of the State. (Laughter).

122. WAZIR GANGA RAM: (Reasi Hindu): Is it a

fact that the officials of the Police Department complained against the irregularities of Mr. Lawther late Inspector General of Police to the effect that the promotions were wrongly given, on which it was decided that a seniority list should be prepared and published and those who had some complaint about this list may represent their case within three months and on which resulted in the submission of many applications.

Will Government please state what action has been taken on those applications when there are clear orders of the Government that such claims should be expeditiously disposed of?

THE HON'BLE MR. WAJAHAT HUSSAIN: 1. Yes.

2. Such complaints have been made to the Inspector General of Police and are being scrutinized.

WAZIR GANGA RAM: Will the Government please state how much time will it take to scrutinize?

THE HON'BLE MR. WAJAHAT HUSSAIN: It depends on the number of applications. The greater the number of the complaints the more will be the time required to scrutinize.

123. WAZIR GANGA RAM: Do Government think that by placing the C. I. D. under the Officers of the Regular Police the C. I. D. staff can expose the defect and misconduct of the Regular Police? If the reply be in the negative, do Government have at present an independent agency for examining and enquiring into the irregularities and the misconduct of the Regular Police and other important political matters?

THE HON'BLE MR. WAJAHAT HUSSAIN: No. The C. I. D. is not an agency for spying on the regular police nor was it used for this purpose before it was provincialised. There is no separate agency for inquiring into complaints against the regular police.

124. WAZIR GANGA RAM: (a) Will Government, for the information of the public, place before the House the list of those particular cases along with the copies of the remarks, in which the Courts criticized the conduct of the Police during the past three years?

(b) Which are those particular officers against whom action has been taken on the basis of the remarks of the Courts and what action has been taken against each?

(c) Did the Hon'ble Judges of the High Court inspect any Police Station? If so, which Stations? What were the remarks made and what action was taken against

those about whom bad remarks were made?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) & (b)
The information is not available.

(c) No.

WAZIR GANGA RAM : When can this information be supplied?

THE HON'BLE MR. WAJAHAT HUSSAIN : I am sorry, no information can be supplied.

125. WAZIR GANGA RAM : Against what particular Police employees were suits filled or complaints lodged during the past three years and what was the result thereof? And was any departmental action taken against such employees? If so, what, if not, why?

THE HON'BLE MR. WAJAHAT HUSSAIN : During the last three years complaints were lodged against the following Police Officers :—

Inspectors	...	2
Sub-Inspectors	...	29
Head Constables	...	52
Constables	...	91

Convictions were secured in 7 of these cases and the officers concerned were dismissed from service. Of the remaining cases 119 were discharged or filled, and 48 are subjudice.

126. SARDAR KANHAYA SINGH : Is it a fact that Pandit Sri Kanth Daroga of the Central Jail Srinagar was prematurely retired from service on the complaint of a Sikh Warder and is it also correct that the complainant Warder and the witnesses were dismissed?

Will Government be pleased to state that when the complaint having been established Pandit Sri Kanth has been prematurely retired why have the complainant and the witnesses been dismissed from services and if the allegation were false why was the Jailor prematurely retired when he had to still serve for some years more and when he was discharging his duties all right?

THE HON'BLE MR. WAJAHAT HUSSAIN : The Daroga has not been retired yet. It is true that the warders of the central Jail Srinagar were dismissed.

The Daroga's case is still under consideration and therefore no reply can be given to the rest of the question.

SARDAR KANHAYA SINGH : Sir, my submission is that if the complaint and the accused have not been retired why then the witnesses have been dismissed? On what principle has it been done? The reply given to me is

(Read out the reply given by the Hon'ble Home Minister). The Daroga has not been retired and it has been stated that the case is under consideration and therefore no reply can be given to the rest of the question. I want to know as to what was the fault of the witnesses. When the accused or the complainant is not dismissed why then the warders who appeared as witnesses have been dismissed. Will the Government consider this matter and do justice to these witnesses.

THE HON'BLE MR. WAJAHAT HUSSAIN: One who is punished has a right to appeal.

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.): Why have they been dismissed?

THE HON'BLE MR. WAJAHAT HUSSAIN: There were charges against them and they were dismissed on that account and not for the fact that they appeared as witnesses.

SARDAR KANHAYA SINGH: Have they been dismissed on the basis of the complaint against the Daroga or on any other ground?

THE HON'BLE MR. WAJAHAT HUSSAIN: Not on the ground of complaint against Daroga but in the same connection.

SARDAR KANHAYA SINGH: Are the complainant or the witnesses dismissed?

THE HON'BLE MR. WAJAHAT HUSSAIN: Practically the same question is repeated.

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.): (addressing the member): He does not consider them as witnesses whom you think as such.

SARDAR KANHAYA SINGH: Will the names of the witnesses be stated?

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.): It is a separate question.

SARDAR KANHAYA SINGH: When should I ask the question?

THE HON'BLE MR. WAJAHAT HUSSAIN: In the next session.

OFFICIAL BUSINESS.

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.): Now I solicit the approval of the House to the nominations made by me to the Select Committee on the Identification of Prisoners Bill, as required by the provisions of Rule 57 of the Rules of Business and Procedure. Two members of this Committee had resigned

and in their place two other gentlemen were nominated.
Has anybody any objection?

Note Nobody objected.

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.): It is taken that nobody has any objection, and the Nominations are approved.

A Bill to amend the Water Mills Regulation No. 17 of 1989.

WHEREAS it is expedient to amend the Water Mills Regulation No. 17 of 1989 for the purpose hereinafter appearing, it is hereby enacted as follows:—

1. *Short title and extent.*—(i) This Regulation may be called Water Mills (Amendment) Regulation No. of 1993.

(ii) The extent of this amendment Regulation shall be the same as that of Regulation No. 17 of 1989.

2. *Amendment of Section 13, Regulation No. 17, of 1989.*—The following shall be substituted for the present Section 13:—

13.—(i) Any person constructing a mill under proper authority on a land owned by the State will be granted, on mutation sanctioned by the Tehsildar of the Tehsil concerned, occupancy rights in the area in which the mill is situated.

(ii) A person starting mill on a land held in proprietary rights by a zamindar will be shown in Kasht column and the revenue chargeable thereon will be shown in the demand column.

Statement of Objects and Reasons.

With the grant of proprietary rights in the State the change intended to be introduced by the amendment Regulation is necessary to bring into conformity the provisions of the Regulation with the changed conditions now obtaining in different parts of the State.

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.): I call upon Mr. Knox to lay before the House a Bill to Amend the Water Mills Regulation No. 17 of 1989.

THE HON'BLE MR. K. N. KNOX: (Revenue Minister): I lay before the House this proposal. The necessity for this bill is felt because the proprietary rights have been granted to the zamindars over the cultivated lands. Therefore some amendment is necessary in this Regulation.

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.): Has any body any objection to this proposal? (Add-

ressing the Secretary) Is there any amendment?

MIRZA MOHAMMED AFZAL BEG: Has the first motion been carried?

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.): It has been laid before the House.

PANDIT HIRA NAND RAINA: (Secretary Praja Sabha): There are some amendments by Mian Ahmed Yar and other.

MIAN AHMED YAR: The present Amendment to Section 13 of Water Mills Regulation, is proposed, as has been said by the Hon'ble Revenue Minister, for the purpose of adopting it to the changed conditions which have resulted from the granting of proprietary rights to the zamindars. The present Section 13 of the Regulation is as follows:—

“All persons starting mills under authority will be granted, on mutation sanctioned by the Tehsildar, Malguzar rights, or occupancy rights in Jammu Province (provided that the land on which a mill is constructed is owned by the State) and Asami rights in Kashmir Province and Frontier Districts.”

This is the original Section of which the amendment is proposed.

The House, at this time, has an opportunity to try to remove the defects and causes of complaints against this Regulation and it should strongly recommend the amendment, which has been laid before it in the form of a proposal so that the proposed section with a few alterations may be passed and the causes of complaints removed. The real fact is that the aim and object of the proposed amendment to this Regulation is to levy tax even on the necessities of life of the zamindars *e. g.*, flour. This seems to be very strange that such a heavy tax should be imposed on the Water Mills worked in the villages of the State. The Water Mills in this State are not like the flour mills of Shahdara or Badami Bagh as to justify the imposition of tax. Those mills are being run on large scale and commercial lines and here the poor villagers work the water mills only to convert grains into flour for their own food and these mills can be worked only for three months in a year. Under these circumstances even a tax of Rs. 6 is a great hardship which they cannot bear. Therefore I have submitted a very reasonable proposal in the form of an amendment to the amendment proposed by the

Government, that is, the following words be added at the end of the proposed section:—

“provided that the Land Revenue payable by such a person will in no case exceed the rate of land revenue assessed according to the Parta Deh concerned.”

While explaining the object and reasons of this amendment I would submit that the taxes are of two kinds—one onerous and the other remuneratory. The latter is imposed on a locality with the object to benefit the people by spending the same in another form. This tax is not imposed for the purpose of benefitting the people of the State; on the contrary it tends to crush them. It is, in fact, the most onerous of the taxes imposed here.

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.): There is no question of taxation at this time you can move a resolution, if you have any objection to that. At present the amendment to section 13 regarding Occupancy Rights is before the House. You can speak about it.

MIAN AHMED YAR: As provided in the proposed amendment to Section 13, revenue chargeable on the land held in proprietary right where a Water Mill is started should be according to the Parta Deh and not a heavy tax. The object of amendment is to remove the increasing hardships of the people. I have an objection to the second portion.

MR. PRESIDENT (The Hon'ble Sir, Lal Gopal Mukerji Kt.): You want an addition. Whether it should be occupancy rights or proprietary rights. (Addressing Pandit Ram Chandra Dobey) Mr. Dobey! you propose your amendment first.

PANDIT RAM CHANDER DOBEY: Section 10 of Ailan No. 9 of 10th Bhaddon 1963 provides that it shall be the duty of the Patwari to make a separate entry for each mill in the Khasra Girdawari and to enter the owner of the mill and the Assami in the column for “Owner” and “tenant” and he shall also show in the column for “Jins” whether the mill is working or not etc. The entries regarding such mills will be made at the end of Kasra Gardawari.

Following this procedure the names of mill owners and millers were clearly entered as owners and tenants respectively, whether the mill was situated in the land owned by the Government or in the land belonging to any

individual. This was the original notification. After this in Sambat 1989 this was included in the Notification No. 17 as follows :

“All persons starting mills under authority will be granted, on mutation sanctioned by the Tehsildar; Malguzar rights or occupancy rights in Jammu Province (provided that the land on which a mill is constructed is owned by the State) and Assami rights in Kashmir and Frontier Districts. In villages held under proprietary rights by zamindars any other person constructing a mill will be shown in “Kasht” column, and the revenue be shown in the “Demand” column.” Previously if some person started a water mill on the State owned areas, he was granted Malguzar rights or occupancy rights in Jammu Province and in Kashmir Province, as the zamindars were not granted proprietary rights, he was granted Assami rights on mutation being sanctioned. But now, as the proprietary rights have been granted to zamindars over the State owned Agricultural Lands, there is no reason why the proprietary rights over the land on which a water mill is started be not granted to the owner of the mill and the previous Regulation be amended to this extent. Often the water mill does not remain at the original site at the time the next rainy season sets in, and is washed away as is generally the case with the water mills of Tawi. If a water mill is started in a village, owned by zamindars, it is shown in the “Kasht” column and jamma is fixed in “Lagan” column. It is in the way that under Notification No. 17 of Sambat 1989 the person starting a water mill is granted occupancy or Assami rights over the land owned by the State. The ownership should now be granted to such persons. There is no reason why the proprietary rights should not be granted instead of occupancy rights to these persons. Secondly it is not a money bill which ought to have been put before the House in the form in which it has been brought. In its present form it merely lays down the manner in which entries are to be made. It would have been better if the original Regulation *i.e.*, Regulation 17 of Sambat 1989 was ammended and proprietary rights granted thereby. If the original Regulation is being amended because it is defective then why another wrong step is being taken. It would have been better if the Government had proposed an amendment to the original Regulation and not brought it as a money bill.

If the Government desired to amend the existing law there was no reason why it should have been treated as a

money bill? I have another objection and that is that this bill has been introduced in an improper manner.

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.): Please stick to your amendment.

PANDIT RAM CHAND DOBEY: This Bill should not have been proposed under Section 38. It should have been introduced like ordinary bills, *i. e.*, bills other than money bills.

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.): Does anybody support it?

PANDIT AMAR NATH KAK: While explaining the aims and objects of the amendment the Hon'ble Revenue Minister has stated that in view of the changed conditions in different parts of the State resulting from the grant of proprietary rights to the people, it is deemed necessary to amend Section 13 of the Water Mills Regulation. If these aims and objects are taken into consideration the result will be that the amendment proposed by Pandit Dobey should necessarily be accepted. The reason is that His Highness has been pleased to grant proprietary rights to His Subjects who had Malguzari rights in Jammu Province and Assami rights in Kashmir Province. This means fresh entries will be made to replace the Malguzari rights in Jammu Province and Assami rights in Kashmir Province by proprietary rights. In fact the amendment was unnecessary, for when the Land Alienation Act was passed the word "proprietor" should have been substituted by way of sympathetic amendments in other Regulations where ever the words "Malguzar" and "Assamidar" occurred. There is no harm if the Government has thought fit to make this substitution in the case of mills as a precautionary measure, but it have been more consistent if the people, who had Assami rights, were given proprietary rights. Now there is no provision at present in any law to the effect that the State is the owner of any estate and that His Highness has granted occupancy rights to any tenant. It appears that two words out of three words, "Malguzari", "Maroos" and "Haqi Assami", occurring in Regulation of 1989 have been omitted and the word "mauroos" is retained. If the amendment to the Water Mills Regulation by the Government is desired to be made consistent then the amendment proposed by Pandit Dobey should be accepted.

RAO BAHADUR THAKUR KARTAR SINGH JI: (The Hon'ble Finance Minister): (Addressing Pandit Ram Chand Dobey) I want to know as to which particular mills

you are referring. I think the mills worked by the canal water have already been exempted and if you refer to the Tawi mills, they are washed away every year and in this way their ownership will be recurrent.

PANDIT RAM CHAND DOBEY: You are also amending Notification No. 17. Whatever you have said proves that the said notification is defective.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: Do you mean to say that all the mills or some specified ones should be included?

PANDIT RAM CHAND DOBEY: I have submitted that mills worked by canal water are not included in it. It can be found on seeing the rules.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: Then which of the mills you mean?

PANDIT RAM CHAND DOBEY: All mills, except mills worked by canal water, are included in this Regulation. You are asking the same question which I wanted to ask from the Government. I would say that Notification No. 17 is defective, Notification of 1963 as well as the law which has been proposed are also defective.

THE HON'BLE MR. K. N. KNOX: (The Hon'ble Revenue Minister): I oppose this amendment. So far as I have understood it, I think it will mean a great loss to the Government. I have not been able to understand its advantages. As the Hon'ble member has stated that water mills change site every year. If under these circumstances the Haq-i-Assami is recognised the result will be that this right will shift from place to place every year. This amendment is, therefore, objectionable. It is not at all advantageous and if accepted it will mean a great loss to the Government.

SARDAR HARI SINGH: I beg to say a few words in support of what has been said by the Hon'ble Revenue Minister. It is true that power to confer occupancy rights or proprietary rights lies with the owner. Therefore the State has this right for ever. So I say that the amendment proposed is reasonable.

SHEIKH ABDUL HAMID: Point of Order, Sir! My submission is that it is not the correct procedure. No speech can be made after the Government has replied.

RAI BAHADUR MAJOR GENERAL JANAK SINGH JI: The Government has not given the final reply.

LALA HANS RAJ: I beg to submit that the Hon'ble Revenue Minister has clearly stated that no mills remain

permanently at the same place. One year it is at one place and next year it is shifted to another place. Therefore I agree with the Hon'ble Revenue Minister.

MIAN AHMED YAR: I beg to submit that what has been said by the Hon'ble Revenue Minister and submitted by Sardar Hari Singh regarding this proposal is embodied in Section 30 (b) of this Regulation which runs thus :

SECTION 30 (b).

Mills, of which the site does not change, will be entered in their proper place according to locality; those, of which the situation is variable, such as those in the beds of large rivers, will be shown in the papers of the adjoining estates regardless of temporary changes of situation: each such mill will have a separate field No. and entries regarding all such mills will be made in one place at the end of the "Khasra Girdawari". This means that ownership is not affected thereby. He will retain his ownership wherever he will go and would construct a mill on a suitable place where nobody has any right.

MOULVI MOHAMMED ABDULLA: Sir, it makes no difference. The proprietary right is not affected by the changes of situation of a mill. There is a defect inherent in the argument advanced by Pandit Amar Nath Kak, which is also present in the original amendment. The position is changed by the changes of situation but the ownership will not be affected. Therefore I support Pandit Dobey's amendment.

PANDIT RAM CHAND DOBEY: My submission is that rules exist regarding alluvion and diluvion, as they exist regarding the lands. Will the Hon'ble Revenue Minister state the rules regarding the change in occupancy rights and proprietary rights? If a mill is constructed at some place, it is shown in the column for alluvion. The ownership can become extinct at one place and occupancy rights can be established at another. There is no difference.

THE HON'BLE REVENUE MINISTER: The question of alluvion and diluvion is complicated. It cannot be taken as alluvion if a mill is first constructed at one place and then at another 50 steps away from the original site. This means that it cannot be said that a place, where there is an alluvion, is fit for constructing a mill and the other is not. Whatever has been said by the Hon'ble Members has not satisfied me. I have listened to all the proposals but, I think, it will cause nothing but confusion. The

ownership will be entered at a place whereby no advantage will be gained.

MR. PRESIDENT : (The Hon'ble Sir Lal Gopal Mukerji Kt.): The point at issue is whether the words "Occupancy rights" should be retained or not? I will put this before the House in two parts. I will act according to what I understand for I don't know the procedure followed perviously in this House. All the Hon'ble Members should hear it attentively so that no misunderstanding may arise afterwards. The gentlemen, who want that the words "Occupancy rights" be retained should raise their hands.

Note. Hands were raised.

The gentlemen who want that the words "Occupancy rights" be deleted should now raise their hands.

Note. Hands were raised again.

MR. PRESIDENT : (The Hon'ble Sir Lal Gopal Mukerji Kt.): Thirty four members want that these words should be retained while thirty one members want that they should be deleted. Therefore it is declared that the words "Occupancy rights" be retained. (Cheers).

COLONEL ABDUR RAHMAN : There must be some mistake. There are 43 Government members and 33 elected members.

MR. PRESIDENT : (The Hon'ble Sir Lal Gopal Mukerji Kt.): Some gentlemen have not cast their votes.

As it is 1 O'clock, the House adjourns till 2 O'clock.

AFTER LUNCH.

MR. PRESIDENT : (The Hon'ble Sir Lal Gopal Mukerji Kt.): Mian Ahmed Yar may please read out his resolution.

Note. Mian Ahmed Yar read out his first emendment.

MIAN AHMED YAR : The second amending resolution also concerns it. The amendment is to add the following words at the end of section 13 (1). "Provided that the rent payable by such a person shall in no case exceed the rate of land revenue assessed according to the Partab Deh concerned." The same word are added as an amendment to section 13 (2) at the end. I would submit with regard to part first that according to the report of Glancy Commission appointed by the Commands of His Highness, the proprietary rights in land have been, granted to the people in every part of the State. Moreover according to the Raj Tilak boons the proprietary rights in the Khalsa areas have also been granted to the zamindars. It is a principle of taxation that it should be levied according to the paying capacity of the people and collecting agency should be efficient. The tax should be imposed for improving

the lot of the people and the collecting agency should be such as not to exploit them. The best tax is that which is remuneratory and advantageous to the taxpayers. 95% nay 99% of the water mills in the State meet the requirements of the surrounding villages by grinding the grain into flour and thus provide for the bare necessities of life. The water mills are not worked for the purpose of trade here as is the case with flour mills of Shahdara, Badamibagh and other big cities of India. The principle of imposing excessive tax is defective. It is proposed in the amendment that the rent should be assessed according to the Partab Deh concerned. Every civilized Government, be it of the old or modern type, has recognised the principle under discussion that no tax should be levied on articles indispensable to human life and they abide by it. Especially the articles, which are natural products, should be exempted from tax. In the ancient times when the country was under the Muslim rule, tax on water, forests, salt, grass and air was forbidden. The present tax on water mills is a heavy burden on the zamindars. I would read from page 828 of the book "Industries and Trade" by Mr. Alfred about reasonable taxes and I hope the House will come to know as to what should be the principle of taxation.

The following passage was read by the member :

"A national tax levied on a whole people and spent on Education, sanitation etc., in such a way as to confer on them benefits in the form of health, energy and earning power which are more than equivalent to the charges levied on them is remunerative. In so far as it is levied mainly on the well-to-do and spent mainly in the services of the working classes, it is prima facie onerous to the well-to-do but the purposes for which it is levied tend to make the country rich in material wealth and the amenities of life and therefore the tax is in some degree remunerative even to them."

The principle of taxation stated here is that the tax should also be imposed on well-to-do people so that the provision may be made for the expenditure incurred for Education, Sanitation, and other beneficial works intended to improve the lot of the people. Such taxation is reasonable to some extent. I am purposing amendment to this section for the purpose of removing the defects and flaws inherent in the Regulation and to do away with the troubles that ever and on arise out of such taxation. The mills in the villages are used only for two or three months and after that they are washed away by the floods in rivers and

Nullahs. The people, being afraid of this tax, do not construct a sufficient number of watermills. Therefore, in view of their hardships, it seems quite reasonable that so much tax should be levied which they can bear and the rent of the site of a mill should in no case exceed the rate of land revenue according to the Partab Deh concerned.

MIRZA MOHAMMED AFZAL BEG: Sir, the learned mover has thoroughly dealt with the amendment put before the House and I do not think there is any necessity of my further explaining it. Still I think it necessary to ask the Hon'ble Revenue Minister, who has recently come in this State as to whether he has heard of the deplorable condition of the zamindars, and if we, by means of this proposal, move an amendment regarding the payment of rent of watermills according to the rate of land revenue, it should not be understood that the rate of land revenue, now prevalent in the State, is at all reasonable and acceptable. We have cried and wailed, and this fact can be ascertained from the Praja Sabha reports. Some gentlemen might have drawn the Hon'ble Revenue Minister's attention to it and I, also, wish to invite his attention to the fact that the rate of land revenue realised at present from the zamindars is not acceptable and cannot be easily borne by them. We have asked for fixing the rent of a mill according to the Partab Deh concerned not for the reason that the rent according to Partab Deh is not burdensome, but because we are forced to accept the "lesser evil." Our submission to the Hon'ble Revenue Minister is that a water-mill is merely an ordinary requirement of life and not a big source of income. They do not earn much by it. The poor zamindars grind four or five "Traks" of grain at the most and receive about half a seer in return. The Hon'ble Revenue Minister would have witnessed the sorry plight of the poor zamindars with his own eyes. To get money for the treasury by impoverishing the zamindars, is against the principle of justice. Thirdly the zamindars work the mills for the sake of satisfying their own needs of life. The villages are self-sufficient. The existence of mill in a village is necessary, because due to the lack of means of communication the villager cannot easily carry the grains from one place to another.

The present rate of assessment is too heavy. It is the duty of the Hon'ble Revenue Minister to look into the complaints of the poor and the needy who have always been the victim of extreme hardships and to win the heart by improving their condition. They have great

expectations from you. You should yourself look into their grievances. Their helplessness and destitution is quite evident from their condition. Their silence should be taken as "agitation" if they have not so far been able to start an "agitation." I would request the Hon'ble Revenue Minister to relieve the poor and helpless zamindars from further difficulties. In view of these circumstances I am confident that the Hon'ble Revenue Minister will give just consideration to this matter and assess the rent of the mills according to what is proposed.

COLONEL ABDUR RAHMAM: Sir, I would submit that the water mills are of three kinds. Firstly, those on the Khalsa area which is the property of the State; secondly, those on the lands owned by the zamindars, and thirdly, those on lands held under Assami rights. These water mills generally work for only three months at the most. It is not proper to levy tax on these when the State has granted proprietary rights over these areas to the zamindars. My friends Mian Ahmed Yar and Mirza M. A. Beg, have elaborately dealt with it and I also support the proposition that the rent imposed on them should in no case exceed the assessment according to the Partab Deh concerned. The Hon'ble Revenue Minister has not seen the condition of our country, but the Governor and others fully know the condition in which our State is. These water mills are washed away during the rains and the villagers live on boiled pulses. On the other hand the water required to work the mills can be had during the rains only. One has to travel a distance of about ten or twelve miles for grinding the grains when the water decreases in the Tawi Nullah.

Your honour might not have seen a hand mill. It can at the most grind three or four seers of grains in the whole of the day.

SHEIKH ABDUL HAMID: You ought to know that this tax is not imposed on the hand-mills.

COLONEL ABDUR RAHMAN KHAN: Yes, of course, I know. I am explaining the circumstances. You have misunderstood.

PANDIT LOK NATH SHARMA: There is no tax imposed on the hand-mill of the Jail. You can go and grind there.

COLONEL ABDUR RAHMAN KHAN: Yes; if you like you can go and grind there.

Many proper and improper taxes have already been imposed. The land revenue assessed on Khushki land is much higher here than it is in the adjacent territory even though the harvest yielded is not more than it is there and the price of the grain has not gone high. It is assessed on the report of Settlement or Revenue Officials and the work of assessing revenue is entrusted to the Patwaries. The Settlement of prices is in the hands of the Shaukars and whatever they fix, be it a pice or two, becomes the settled market price. I would submit that the rent in no case should exceed the land revenue assessed according to Partab Deh concerned.

PANDIT AMAR NATH KAK: The method of assessment of revenue on the area on which a mill is constructed and the rate at which it is to be assessed is given in Section 12 of the Regulation of which the amendment of Section 13 is in question. When rent is levied on an area under a mill, the revenue previously assessed will be deducted therefrom and what will remain will be the rent for the mill.

According to Section 12 it can be seen as to what maximum amount of tax, should be imposed on the area on which a mill is constructed. No question arises as to what should be the tax imposed on the area on which a mill is to be constructed, for the amendment of Section 12 is not under consideration before the Praja Sabha. So far as the first portion of the amendment is concerned namely that when a mill is constructed on a State land the rent chargeable from the mill-owner should be according to the Partab Deh; I do not think there is any necessity of my saying anything with regard to the for it is the business of the Government to see as to what is the rate of assessment and as to whether it complies with Section 12 or not?

So far as the second portion of the amendment is concerned.....

(Interrupted by M. Ahmed Yar).

MIAN AAMED YAR: Point of order! The second part has not yet been moved.

PANDIT AMAR NATH KAK: Have you not moved it yet?

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.): No, it has not yet been moved.

THE HON'BLE MR. K. N. KNOX: (The Hon'ble Revenue Minister): Mr. President! Sir, I do not see how the resolution, in the words in which it has been put

before the House, possibly can be accepted by the Government. My Hon'ble friend who has just sat down has pointed out that we are not amending Section 12 but Section 13 of the Water Mill Regulation, which has nothing to do with the manner of assessing the revenue on water mills. I would point out that Section 8 of the Water Mills Regulation provides fuller details about assessing the revenue on the mills. It lays down:

"The assessment on a mill may be permanently or temporarily and so on remitted by orders of the Governor;....."

When the mills are assessed during the period after the Settlement the Governor is responsible for following the method laid down by the Settlement Officer. He has to take into consideration the numerous facts which have been enumerated under several heads. If the Hon'ble member's motion is accepted we shall be contradicting the provisions of Section 8. Apart from that, in principle it is clear to my understanding that to assess the water mills on the same lines as land revenue is erroneous. Land revenue is erroneous. Land Revenue is supposed to be a share of the produce of the cultivated land and it has no connection with the case of two Chhataks' share which the mill owner takes from the people whose corn he grinds. (Hear; hear- Government Benches).

I am entirely in sympathy with my Hon'ble friend, who moved the resolution and if he can show cases where excessive fee has been charged I assure him that I shall be prepared to do everything in my power to remedy it.

With these words I oppose the resolution. (Cheers).

LALA HANS RAJ: Sir, this speech has not been understood by the Urdu knowing persons. The meaning of this should be explained in Urdu.

RAI BAHADUR MAJOR GENERAL JANAK SINGH JI: (Addressing the Hon'ble Revenue Minister): He would himself do it.

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.): (To the Government Benches) Some gentlemen have said that they have not understood the speech. They want its summary.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: (The Hon'ble Finance Minister): I am submitting its purport.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: (The Hon'ble Finance Minister): Briefly what

was said by the Hon'ble Revenue Minister is that the amendment that the revenue on the water mills should be assessed in the manner in which it is assessed on agricultural lands, cannot be accepted. He has stated that the Revenue charged for the lands is a share of the produce and that the water mills have nothing in common with the produce of the lands. This revenue cannot, therefore, be assessed according to the rate of assessment of land revenue.

The second thing that he has said is that the resolution cannot be accepted by the Government in the form in which it has been put before the House. Moreover, he stated that if cases, in which excessive rate of revenue has been charged on the water mills, are brought to his notice he is prepared to do what ever he can with regard to it.

LALA HANS RAJ: The manner in which the mover has moved his proposal and in which he has explained it is of course very considerate. It has been stated by the Hon'ble Revenue Minister that he is unable to give any opinion at present. It would be better, I think, if a Committee is constituted of two persons, who are experts on this subject and that committee should submit its opinion regarding this before the House in the next Session.....

VOICES: Are you moving an amendment?

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.): You have misunderstood it.

BABU RAM DASS: (Illaqa Chenani Hindu):

This matter does not fall under Section 13 and the question that has been raised now that the revenue on water mills should be assessed according to Partab Deh is not correct, because a list of the water-mills is prepared by the Settlement Department before assessing the revenue on them. An estimate of the income from water-mills is prepared. The dimensions and the height of the mill-sluice and the kind of the grinding stone are taken into consideration and then the revenue is assessed according to the milling capacity of the water-mills. There are some mills where nothing is charged for grinding the grains and the zamindars mill their grains to meet their domestic requirements. Such mills are exempt from the levy of "Jama."

Secondly, there are water-mills which are not separately assessed to revenue by the Government, but the "Bachh" on such mills is fixed by the zamindars themselves out of the land revenue at the time of "Bachh" of land revenue. This tax is imposed by the zamindars them-

selves.

The charges of the miller are deducted from the amount which is fixed on the water-mills just as revenue is assessed on land; whatever remains is assessed to Revenue according to the share of the Government. There are some Nullahs from which only mill-owners derive benefit as is the case in big towns like Jammu and Kotli.

The assessment of revenue on the mills situated in smaller villages is not made by the Settlement Officer but is fixed out of the Land Revenue with the consent of the zamindars at the time of "Bachh" of the land revenue. All this lies in the hands of the zamindars of the villages. A question may arise with regard to it as to why the Government assesses revenue on mills newly constructed when such mills were not assessed to revenue by the Government but were included in the "bachh" by the zamindars. For example, if in a village the zamindars start six water-mills at their own cost why should the Government charge the revenue? I would submit that the necessity of assessing them to further "Jama" is felt because of the fact that those, whose water-mills are already included in the "bachh," should have no cause to complain that no revenue is charged from the persons who have constructed new mills. The revenue is remitted in case of such mills are washed away.

PANDIT RAM CHAND DOBEY: Revenue is realised at the rate at which it was assessed at the time of the Settlement, and if the land is reclaimed no further revenue is realised on it. The proposition is whether the revenue should be assessed or not, when a poor man starts a mill to earn his livelihood? In my opinion it is sheer injustice. The Government realises thousands of rupees by way of Kahcharai from the zamindars and it would not matter if no jama is imposed on water-mills. Now as the jama has been fixed, minimum revenue should be charged or it may be exempted entirely.

SARDAR HARI SINGH: There were some villages where the Government used to realise revenue on the mills at the time of Settlement (when the villages were assessed to land revenue) because the crops were full and the mills worked throughout the year. The jama was imposed if a new mill was started and was remitted if it was washed away. All this was done under Allusion

and Diluvion Rules. There are other water-mills which belong to the poor zamindars and which are included in the Jama of a village. The Jama is not realised if they are washed away. Therefore the mills, which are in the villages or are situated on brooks and are being worked during the rains for a period of three or four months and which were already exempted should remain exempted. And so the mills except those on which the Jama has been imposed during the settlement, should continue as such.

MAJOR MIRZA ATTA MOHAMAED KHAN: Sir, the water mills are of two kinds. Those which are started in the villages and those which are constructed on the rivers. Those in the villages are situated on the lands of the zamindars and are worked with the water of cannal etc. When the zamindars themselves pay "abiana" and Partadeh, why then the Government is imposing further tax on them. As the Regulation is being amended, the Government should thoroughly examine the position so that no cause may arise for any complaint and the Government may not have to be blamed.

RAI BAHADUR MAJOR GENERAL JANAK SINGH JI: Sir, the speech of Pandit Ram Chandra Dobey has complicated the matter and given it such a position which was neither contemplated by the mover nor envisaged by the House. Had the case of the water mills been such as has been described by Mian Ahmed Yar and his party, I would have sympathised with their amendment to a great extent. For instance had every zamindar started a mill solely for the purpose of grinding his own grains it would amount to an oppression on the part of the Government if they had charged revenue for them. But as at the present the water mill can be compared to a shop. Every mill owner does not grind grains belonging to himself or his relatives alone but the mill is being maintained by him as a regular shop and the people from all the villages come and get their corn converted into flour for which he receives proper wages.

Had he not charged anything from the villagers for grinding corn it would have been a different thing. Water mill as at present is like a shop. No purpose would be served if the amendment is passed because according to it no revenue can be imposed exceeding two pice per annum on each mill. The area under a mill is hardly

one marla at the most. If one rupee is assessed on one canal of land as revenue, the $\frac{1}{20}$ of it will come to 6 pies which is per marla. It would be much better I think, if this law is replaced instead of realising two pice as revenue annually. I assure you of my sympathy if the exemption of revenue on mills is desired in place of assessing it at two pice per annum. No doubt the rate of assessment has been said by Mina Ahmed Yar is excessive. A bill can be introduced for the purpose and section 12 can be amended as the revenue assessed is too excessive. If it is intended to decrease the rate of assessment because there is a general depression and the financial condition of the people is weak, it can be done by bringing a bill or a resolution in the House.

MIRZA MOHAMMED AFZAL BEG: Some objections raised in the speeches of Pandit Amar Nath Kak and the Hon'ble Revenue Minister require an answer and Major General Janak Singh has also stated something. Pandit Amar Nath Kak has objected to the consideration of section 12 at this movement on the ground that it is amendments to section 13 and not section 12 which are being moved at present in House. But if we see section 12 we will find that water mills constructed on lands assessed to land revenue have been mentioned there. I read out section 12 for the information of the House.

"When a mill is constructed on an area which has already been assessed to land revenue, then in assessing the revenue on the mill, the land revenue on the area should be remitted, provided that the remission so made will be in whole rupees and not in fractions of a rupee."

This section applies to water mills constructed on lands already assessed to land revenue. Our amendment is:

"Provided that the rent payable by such a person should in no case exceed the rate of land revenue assessed according to the Partadeh concerned."

It is clear that section 13, which is under discussion, concerns the land owned by the State which is not assessed to land revenue. Section 12 concerns lands assessed to land revenue and it has no connection with the amendment of section 13 now under discussion. Section 12 can be considered separately. Therefore our amendment to section 13 can be considered apart from the consideration of section 12. In order to remove misunderstanding I deem it necessary to submit that the Hon'ble Revenue Minister has emphasised Pandit Amar Nath Kak's view that the land revenue and revenue on

mills are two different demands assessed on different principles and that it is not possible and proper to assess the revenue on mills according to the principles of assessment of land revenue. These were the arguments put forth by the Hon'ble Revenue Minister. The point at issue is whether it is right to assess the land revenue and the revenue on the mills on two different principles and whether land and water mills can be considered fundamentally different things? I would like to draw the attention of the Hon'ble Revenue Minister towards Section 3 (2) of Land Revenue Regulation 1 of Sambat 1980 in which water mill is included in the definition of land. The Section is as under :

"Land means land which is not occupied as the site of any building in a town or village, and is occupied or has been let for agricultural purposes or for purposes subservient to agriculture or for pasture, and includes the site of buildings and other structures and trees standing on such land, as well as areas covered by or fields floating over water, and sites of Jandars and Ghrats."

The mill clearly included in the definition of land in this Regulation and therefore a water-mill and land cannot be considered as two different things. There is no difference on principle between the land revenue and revenue on watermills, therefore the assessment of these two should not be based on two different principles. The revenue on mills should be realised on the same principle on which the land revenue is realised from the zamindar. Major General Janak Singh has stated that to start a mill is the same thing as opening a shop. Endorsing the same view the Hon'ble Revenue Minister has stated that revenue on mills and land revenue are two different things, to which I have just replied. The watermill has no connection with trade. The villagers, generally, do not start mills for the purpose of trade but they are obliged to work them for satisfying their own paltry needs of life. The mill can have some connection with agricultural land but none with trade as I just now said in reply to the arguments of the Hon'ble Revenue Minister.

I would request the House to show some mercy for the deplorable condition of the dumb peasantry. It is not justice to burden the helpless, destitute and debt ridden zamindar with so many taxes. Thakar Sahib is not aware of their present plight. These poverty stricken people have nothing to wear and nothing to eat. As the presence of a

carpenter and a black-smith is necessary to make a village self sufficient similarly the existance of a mill in it is an imperative need. There is neither question of trade nor profit. It is merely an endeavour to keep the village self sufficient as far as possible and for which the peasant is obliged to strive in view of the existing economical conditons.

I would submit that in such circumstances it is not worth their dignity if the Government puts further burden on the poor peasants who contribute the largest proposition towards the $2\frac{3}{4}$ crores revenue of the State.

I hop the gentlemen, who are present in the House and have sympathy with the unfortunate peasants, will not be influenced by the Government and will cast their votes in favour of my amendment. (Cheer).

HON'BE MR. K. N. KNOX: Sir, I too have sympathies with the poor. I have said at the very outset that it should be brought to my notice and proved that any hardship have been done to a millowner and he desires to have the revenue reduced or remitted. But I think the Hon'ble Member has not given any satisfactory reply. I never said that a Gharat is not included in the definition of "land" but I have stated that the revenue on the Gharat is assessed on one principle while the land revenue is assessed on quite a different principle. I referred to Section 8 of this Regulation and no reply has been given to these points. Section 8 contains all the directions regarding it. The revenue officers are not entrusted with powers of assessment. When the mills have been assessed seperately at the time of settlement, how can the Governor and the Tehsildars fix the rate of assessment if the revenue on the mills is derived according to Partahdeh. I therefore, oppose this resolution.

MB. PRESIDENT: (Hon'ble Sir Lal Gopal Mukerji Kt.): The proposition before the House at this time is whether the words "Provided that the rent payable by such a person shall in no case exceed the rate of land revenue assessed according to the Partahdeh concerned" be added at the end of Section 13 (1) of this Regulation. Those who are in favour of this addition should raise their hands.

MIAN AHMED YAR: No Sir, the voter may be taken by lotter.

MR. PRESIDENT: (Hon'ble Sir Lal Gopal Mukerji Kt.): All right. (Addressing the Secretary) Take votes.

Note: Votes were taken by division and the result announced was:

For the amendment 31.

Against the amendment 36.

The amendment is consequently lost. Cheers from the Government Benches.

MR. M. A. BEG: Will these slips (ballot papers) be preserved and the names of the members entered in the proceedings.

MR. PRESIDENT: (The Hon'ble Sir, Lal Gopal Mukerji Kt.): Well, I will consider that:—

The second amendment is: "At the end of the proposed section 13 (2) the words "Provided that the land revenue payable by such a person will in no case exceed the rate of land revenue assessed according to the Partahdeh concerned" may be added.

MIAN AHMED YAR: We do not mind if our amendment is out-voted, for we have been realising our helplessness ever since this wholly unacceptable constitution was introduced. As the representatives of the people it is our duty to represent them here. It is known to all that this constitution has been thrust upon us by putting people in the prisons and by imposing fines on them. We simply demanded a constitution in which the voice of the representatives of the people could be effective. But we see how the public voice is ignored by the members of the Government and its hirelings. In the existing circumstances we consider this difference of 36 and 31 votes as our victory for there are many hirelings amongst us who even cast their votes against the cry of their conscience. It is not the voice of the people. We want an effective constitution. Everybody knows what the times require and what this Government wants. The words submitted by me to be added are: "Provided that the land revenue payable will in no case exceed the rate of land revenue assessed according to the Partahdeh concerned."

As stated by the Government the main obstacle in the way of the acceptance of these resolutions is the presence of Sections 12 and 8. This amendment has a direct connection with the previous amendment. The same legal objection can be raised against it as was raised against the previous amendment, which has been discussed at length by my learned friend the deputy leader of the Conference party. Something is to be said concerning Section 8. It has been stated in the House that section 8 comes in the way of acceptance of this

resolution. It is said about section 8 that under it full powers are vested in the Governor. Its wording is as under :

8. In estates which come under class (i) of Section 5 Sub-section (b) of this Regulation:

(i) The assessment on a mill may be permanently or temporarily remitted by orders of the Governor; provided that the decrease or increase of the sum of assessment of such mills situated in localities falling under schedule A of Alluvion-Diluvion Rules, will be dealt with under rules for alluvion and diluvion with the consent of the Revenue Minister.

(ii) No such assessment should be permanently terminated unless the mill has been dismantled and its gear removed, or it has otherwise been satisfactorily ascertained that the mill has been permanently abandoned.

Section 8 does not concern this matter except in the the case of a mill being suspended, washed away or stopped. The matter under discussion is as to how the revenue should be assessed when a water mill is constructed. There is a marked difference between these two sections. If section 13 is made complete, the whole of the Regulation will become comprehensive. It is altogether a fresh matter. The sole consideration in proposing this resolution is to limit or restrict the existing powers, so that the revenue is not realised without necessity. The scope of matter under discussion has been narrowed down by the Government and it is being said that nothing is realised except one or two rupees as revenue. Everybody knows the difficulties one has to encounter at the hands of the Patwaris and the Tehsildar in preparing a file. Before a law is made it is considered whether the persons who are going to be affected thereby can bear it. Everything can be made clear to the Government if they examine the plight of the millowners. It is also said that the demands for abolishing this law will elicit sympathy from them. We are in Regulation remaining in force and it is incumbent on the Government to preserve the watermills. I would submit that the zamindars cannot construct a mill on their own holdings. It is therefore that in some of the villages the mills are situated at a distance of 10 or 20 miles. The zamindars cannot if they wish, start a mill on their own land because in that case they have to pay greater revenue and undergo many hardships. The majority of the mills

are situated on the Khalsa areas are on the banks of the rivers. The condition has worsened to such an extent that sometimes the zamindars do not get flour even for their food. It will be known if the Government collect information that the people have constructed very few mills on their own lands, and that these are constructed on the banks of rivers and brooks. The Government will not suffer in any way if the people are allowed to construct mills on their own cultivated lands. On the other hand the hardship of the zamindars will be removed. In this way the position continues to be safe. In view of these things I beg to request that these words be added so that this industry remains intact.

MIRZA MOHAMMED AFZAL BEG : I support the Hon'ble mover.

THE HON'BLE MR. K. N. KNOX : I have already explained the reason why the first amendment was not acceptable. And for the same reason I do not agree to the second amendment. As far as I can understand the revenue is paid rather for the water used than the land occupied by the mill. For the same reasons I oppose this amendment as well.

MIAN AHMED YAR : The Hon'ble Revenue Minister has recently come to the State and he does not know much about it. He has stated that the revenue is paid for the water used and not for the land occupied. I would say to this that water is supplied to the people for their use throughout the worlds. It is one of the necessities of life. If water is dug out from the mountains for being supplied to the people some revenue is no doubt chargeable from them ; but when the poor zamindar constructs a mill at the bank of a river and plies his trade amidst dangerous surroundings he should not be called upon to pay. The reply that has been given is not at all satisfactory.

MR. PRESIDENT : (Sir Lal Gopal Mukerji Kt.,) : The gentlemen who want that the proposed words may be added should write "Yes" and those who oppose this should write "no".

Note. Votes were taken and the result was :—

In favour	....	....	26
Against	....	...	40

So the amendment was lost.

MR. PRESIDENT : (Hon'ble Sir Lal Gopal Mukerji Kt.,) : (addressing the Secretary). The Council will be informed to the effect that no amendment to this bill has been passed. The new item may now be taken up.

“The bill to repeal rules and regulations imposing possession tax.”

Pt. Ram Nath Sharma Judicial Secretary will place before the Praja Sabha the Bill to repeal rules and Regulations imposing possession tax under rule 38 of the Regulation No. 1 of 1991.

PT. RAM NATH SHARMA: I think that there is no necessity of making any more speech. The members might recollect that Mian Ahmed Yar had brought this motion in the last session of the Praja Sabha that the rules concerning the realisation of possession tax be repealed. Accordingly this motion was carried and was also accepted by the Government. Now this bill has been published under Rule 48 of the Rules of Business and Procedure and is before the House.

MIAN AHMED YAR: It has been alleged that I had suggested that all rules regarding the recovery of possession tax except on motor lorries should be cancelled. What I suggested was that all such taxes should be remitted. My amendment was this:—

(Reads amendments).

The words “but not motor lorries” should be deleted.

PT. RAM NATH SHARMA: But not the motor lorries.

MR. PRESIDENT: (Hon'ble Sir Lal Gopal Mukerji Kt.): Has any gentleman any objection to the bill to repeal the Possession Tax Regulation.

MEMBERS: No objection.

LALA HANS RAJ: Sir, I have an objection. I would say that tax should be course be imposed. Why should the tax be not imposed on those who own motor cars, enjoys pleasure trips, receive every comfort and spoil roads. It is a matter of great regret that the poor are subjected to taxes while the rich are exempted. Even to-day we witnessed the scene when tax was imposed on water mills and much emphasis was laid on imposing tax on the poor who to help them.

PANDIT LOK NATH SHARMA: There is no resolution or amendment before the House in this respect.

KHAWAJA GHULAM MOHAMMED SADIQ: But he can oppose.

LALA HANS RAJ: Even in the last session I urged this point that when people have cars, tax should be charged from them. In my opinion tax must be imposed on them.

MR. PRESIDENT: (Hon'ble Sir Lal Gopal Mukerji Kt.): Does any body support him?

A VOICE: No body.

MR. PRESIDENT: (Hon'ble Sir Lal Gopal Mukerji Kt.): No body supports him. Therefore the bill is passed. Now Mr. K. N. Knox will please move for the election of the members for the Food Control Advisory Board under section 11 of the Food Control Regulation of 1986, as amended by Regulation No. 9 of 1993, in place of Mirza M. A. Beg and Haji Ahmed Ullah Shadad resigned.

MR. K. N. KNOX: I rise to move that this Praja Sabha do elect in such manner as may be directed by the Hon'ble President, 2 non-official members belonging to the Kashmir Valley, one from the Srinagar city and the other from the Rural Area to serve on the Food Control Advisory Board constituted under section 11 of the Food Control Regulation of 1986 as amended by Regulation No. 9 of 1993. The vacancies are those of Haji Ahmed Ullah Shadad and Mirza M. A. Beg; who resigned from the Praja Sabha in November last.

These members are eligible for re-election as they have been re-elected to the Praja Sabha at the Bye-elections and if the House approves they may be re-elected.

MR. PRESIDENT: (Hon'ble Sir Lal Gopal Mukerji Kt.): Has any gentleman any objection?

VOICES: No objection.

The Motion was adopted (the House was then adjourned till the next day.

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**THE
JAMMU AND KASHMIR PRAJA SABHA DEBATES
(Official Report)**

VOLUME VI.

PART III

(7th April 1937)

**SIXTH SESSION
OF THE
FIRST J. & K. PRAJA SABHA.**



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JAMMU AND KASHMIR PRAJA SABHA.

Wednesday, the 7th April 1937.
26th Chet 1993.

The Praja Sabha met in the Praja Sabha Chambers in Ajaibghar at Eleven of the Clock.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) in the Chair.

The new Prime Minister, the Hon'ble Dewan Bahadur N. Gopal Swami Iyyanger, C. I. E., took the prescribed oath of allegiance.

QUESTIONS AND ANSWERS.

127. PANDIT AMAR NATH KAK (Srinagar City North : Hindu) : Will the Hon'ble Home Minister be pleased to state :—

- (a) What decision has been arrived at regarding 17 employees of the Work Charge Establishment of the Electric Department who were recommended for being brought on the Regular Establishment? If the recommendation has not so far been accepted in spite of the fact that all of them have a record of long and satisfactory service to their credit, will the Hon'ble Minister be pleased to accept it? If the answer be in the negative, what are the reasons for it?
- (b) Will the Hon'ble Minister be pleased to state what action was taken by the Public Works Department in respect of the new entrants taken into the Chief Engineer's office within the last three years whose work was reported as extremely unsatisfactory and whose duties had to be entrusted to other clerks of the office?
- (c) What are the reasons for meting out different treatment to the aforesaid employees of the Electric Department?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : (a) There were only 16 and not 17 clerks as stated on Work Charge Establishment of Electric Department. Out of these 13 have been retained in Government service and the remaining three discharged as they failed in the efficiency test examination.

(b) There has been no such case in the Public Works Department and Electric Department.

(c) The question does not arise.

128. PANDIT AMAR NATH KAK : Will Hon'ble the Home Minister be pleased to state what has been the fate of the appeals

of Pandit Sri Kanth Kaul and Pandit Kishen Lal who were punished very severely for a clerical error of entering the figure 8 in the column of rupees instead of the column of annas and which clerical error was rectified before recovery? Will Hon'ble the Home Minister be pleased to state what action was taken in a more serious case in which a sum of Rs. 15 instead of Rs. 12/10/- was realized from Mohammed Misgar, Karfali Mohalla, Installation No. 6922 through the mistake of the Recovering Officer? What were the reasons for this distinctive treatment?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) No appeals were filed in these cases.

(b) No such case has occurred in any of the Departments under me.

PANDIT AMAR NATH KAK : The question is not about any Department. It is about the Electric Department. The Installation number has also been referred to.

THE HON'BLE MR. WAJAHAT HUSSAIN : No such case occurred even in the Electric Department.

129. PANDIT AMAR NATH KAK : Is Hon'ble the Home Minister aware of the fact that the Electric Department charges interest at the rate of -/2/- per rupee from a consumer, who pays his dues after the fixed date? Is he further aware of the fact that the Department allows no interest on the deposits realized from the consumers at the rate of Rs. 2 per point—a deposit which for practical purposes remains with the Department permanently? Will he be pleased to take steps to allow interest on the deposits?

THE HON'BLE MR. WAJAHAT HUSSAIN : Yes. I regret no interest is allowed on deposits.

PANDIT AMAR NATH KAK : The last part of my question has not been replied. It is this "will he take steps to allow interest on deposits"?

THE HON'BLE MR. WAJAHAT HUSSAIN : Nothing can be stated yet in reply to this question. The proposal will be submitted to the Government. It is not known whether it will be accepted or not. So we cannot give any promise now.

LALA SHIV NATH NANDA (Srinagar : Hindu other than Kashmiri Pandits) : The reply is that a proposal will be submitted to the Government.

130. PANDIT AMAR NATH KAK : Is Hon'ble the Home Minister aware of the fact that the service line material in water tap connections is paid for by consumers at the time of connection and material is held to be the property of the Water Works Department in the event of disconnection? Will Hon'ble the Home Minister be pleased to take steps either to make the department pay for the material in future or to allow the consumers to remove it for

their own use?

THE HON'BLE MR. WAJAHAT HUSSAIN : Yes, for private tap connections the consumers pay for the service line. In the event of disconnection, pipes and fittings within consumer's premises remain his property and outside his premises become Government property.

PANDIT AMAR NATH KAK : The question is that as the service line material outside the house of the consumer is paid for by the consumer, why should he not get it back at the time of disconnection?

THE HON'BLE MR. WAJAHAT HUSSAIN : Because the private pipe is connected with the public one and the two cannot be disconnected. (Cheers)

PANDIT AMAR NATH KAK : If it can be connected, why can't it be disconnected? Is it so inseparable that it cannot be separated even after the service line is disconnected and the consumer given back his part of it.

THE HON'BLE MR. WAJAHAT HUSSAIN : The Pandit Sahib seems to have a misunderstanding in this matter. When the service line is disconnected, all material within the premises of the consumer is given to him. The remaining part of it, if removed, is likely to cause wastage of water.

PANDIT AMAR NATH KAK : The service line belongs to the consumer, why should he be deprived of his right? My point has not been cleared. Why should Government have the right of confiscation?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I agree the answer given is not quite clear.

THE HON'BLE MR. WAJAHAT HUSSAIN : What I mean to say is that as it is attached to Government property, it cannot be detached from it in order to avoid wastage in water.

PANDIT AMAR NATH KAK : I have put it in clear terms that the service line which is outside the premises is exclusively used by the owner and not by anyone else and when it is disconnected that part may be allowed to the owner.

THE HON'BLE MR. WAJAHAT HUSSAIN : I have been asked to give information whether it is given or not and according to the rules it is not done. Your enquiry whether it should be done is a different matter.

PANDIT AMAR NATH KAK : Is there any rule to this effect?

THE HON'BLE MR. WAJAHAT HUSSAIN : Yes.

PANDIT AMAR NATH KAK : No, there is no such rule.

THE HON'BLE MR. WAJAHAT HUSSAIN : I say there is a rule but he says there is no rule.

PANDIT AMAR NATH KAK : An ingenious reply.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : If there is a rule that should be amended.

SHEIKH ABDUL HAMID : Sir, my submission is that when a private connection is given, all expenses are borne by the consumer. If the pipes are not given to him at the time of disconnection, he will have to incur the expenditure anew at the time of re-connection.

LALA HANS RAJ (Jammu : Hindu) : Sir, I would like to take a concrete instance. If I own a house in which there is a pipe connection, the price of the pipe having been paid for by me, won't I get back the pipe or its price in the event of disconnection? Or shall I have to pay for the pipe again if I apply for re-connection?

SHEIKH ABDUL HAMID : You shall have to pay the expenses again.

131. PANDIT AMAR NATH KAK : Will Hon'ble the Home Minister be pleased to state whether it is a fact that the Director of Education has issued instructions to the Provincial Inspectors to the effect that Muslims only should be posted in Mufassil schools so that the Muslim students may not be deprived of instruction in Arabic and religion?

If the answer be in the affirmative, will Hon'ble the Home Minister be pleased to state why the needs of the Hindu students have been ignored and similar arrangements have not been made in their case so that they would not be deprived of instruction in Sanskrit, Hindi and religion?

THE HON'BLE MR. WAJAHAT HUSSAIN : The Director of Education noticed during an inspection of a school that all of the boys reading in it were Muslims but the teachers were Hindus. Therefore he had issued instructions that Muslim teachers should be deputed in such schools. He has not issued any such circular that in Mufassils only Muslim teachers should be sent.

PANDIT AMAR NATH KAK : The second part of my question has not been replied. I do not take exception to this that why instructions have been issued for the sake of Mohammedan students. My query was, why the needs of Hindu students have been ignored and similar arrangements have not been made in their case so that they would not be deprived of receiving instructions in Hindi and Sanskrit. This point has not been replied.

THE HON'BLE MR. WAJAHAT HUSSAIN : I am sorry that I have not replied this part of the question. Such arrangements will be made for Hindu students also, where all students are Hindus.

132. MOULVI MOHAMMAD ABDULLA (Shah Hamdan Srinagar City : Muslim) : (a) Is it a fact that the Jagirdars possess authority of being Jagirdars and as such wield influence within their Jagirs?

(b) If the answer to (a) be in the affirmative, is it a fact that certain Jagirdars have been appointed as Honorary Magistrates?

(c) If the answer to (b) be in the affirmative, the names with educational and legal qualifications of such Jagirdar Honorary Magistrates may please be stated?

PANDIT RAM NATH SHARMA (On behalf of the Judicial Minister) : (a) Every Jagirdar does not possess sufficient influence in his Jagir. But it is a fact that generally they do exercise some influence.

(b) Only 2 Jagirdars, one of Kathai and another of Dopatta, exercise criminal powers as Honorary Magistrates of III class.

(c) The name of the Jagirdar of Kathai is S. Mutwali Khan and that of Dopatta is S. Feroz-ud-Din Khan. They possess sufficient knowledge of the local vernacular, experience and knowledge to be able to exercise the powers of a III class Magistrate. They received training with stipendiary Magistrates, previous to their appointment.

MOULVI MOHAMMAD ABDULLA : What does "sufficient influence" mean?

PANDIT RAM NATH SHARMA (Judicial Secretary) : I say they possess sufficient influence.

PANDIT AMAR NATH KAK : He asks the meaning of the word "sufficient"?

PANDIT RAM NATH SHARMA : "Sufficient" has been used in the ordinary sense. (Laughter)

133. MOULVI MOHAMMAD ABDULLA : Will the Government please state what is the population of Kashmiris in the Jammu Province? How many of them work as farmers and how many of them own land?

COLONEL BALDEV SINGH PATHANIA (Governor Jammu, on behalf of the Hon'ble Revenue Minister) : The total population of Kashmiris in the Jammu Province is 1,08,688 souls, out of which 55,030 own land and 33,606 work as farmers.

MOULVI MOHAMMAD ABDULLA : Are all these owners of land Agriculturists?

COLONEL BALDEV SINGH PATHANIA : This is a new question.

134. MOULVI MOHAMMAD ABDULLA : Is the Government aware that Mr. Qaim Ali Chisti, late Public Prosecutor, submitted to the late Hon'ble Sir Barjor Dalal Kt., Chief Justice and Judicial Minister, a detailed statement regarding the Mirpur Police, one copy direct and another through the Sub-Judge Mirpur and attached therewith attested copies, original documents and cuttings of papers all numbering about one hundred?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Judicial Minister) : Yes, the papers were filed. The applicant sent the papers only for information. The papers were circulated among the Hon'ble Judges of the High Court and filed.

135. MIAN QURBAN AHMED (Kathua : Muslim) : (a) Will

the Hon'ble Revenue Minister please state whether Qabla Singh of Samba, District Jammu Naib Muhasib Dafter has been appointed in the leave arrangement of Ram Nath Moharrir Mal?

(b) If the answer to the above be in the affirmative, will the Hon'ble Revenue Minister please state the reasons for ignoring the claims of deserving candidates of the District Kathua?

(c) Will the Hon'ble Revenue Minister, in view of the importance of these questions, cancel the orders in his revisional capacity and thus redress the grievances of the deserving claimants?

COLONEL BALDEV SINGH PATHANIA : (a) Yes.

(b) No other candidate was available at the time of Qabla Singh's temporary appointment. The Praja Sabha Sad is also referred to reply given to his Q. D. No. 75 in this connection.

(c) Does not arise.

MIAN QURBAN AHMED : Is Qabla Singh still temporary or permanent?

COLONEL BALDEV SINGH : An enquiry shall have to be made.

MIAN QURBAN AHMED : Are Samba people preferred, because the Wazir of Kathua is a resident of Samba?

COLONEL BALDEV SINGH : No.

136. MIAN QURBAN AHMED : Will the Hon'ble Home Minister please state whether the charge of the Basohli-Bhadarwah Road which was transferred to the Public Works Department has been taken? If not, why?

THE HON'BLE MR. WAJAHAT HUSSAIN : The road is still in charge of the Revenue Department. It has not been transferrred to P. W. D.

137. MIAN QURBAN AHMED : (a) Will the Hon'ble Revenue Minister please state whether any Government employee can take a contract during the tenure of his service?

(b) If the answer be in the negative, what are the reasons for giving a contract to Abdul Gaffar peon who was appointed as peon on the 10th of Sawan 1991 in the leave arrangement of Jamit Singh peon?

(c) If the answer to the above question be in the negative, will the Hon'ble Revenue Minister state as to who held the contract of the revenue road of Bhura Khathera in the years 1991 and 1992?

(d) Will the Hon'ble Revenue Minister please examine the file before answering the question?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : (a) No.

(b) At the time of disposal of the contract for the annual repairs to Kathua-Bowra Road for 1991-92, Abdul Gaffar Bafinda was not in service. He was appointed in the leave arrangement on 6th Poh 1993 (and not in Sawan 1991) i. e. long after the ex-

piry of the term of the contract.

(c) The contract for the repairs of the Bhura Kathera Road for 1992-93, was given to one Ludra Mani.

138. MIAN QURBAN AHMED : (a) Will the Hon'ble Revenue Minister please state how Raghunath Singh third grade Patwari of Tehsil Basohli has been promoted to special 1st grade and granted Girdawarship? What are the reasons in view of which it has been done?

(b) Were there no senior Muslims or non-Muslims whose claims have been ignored?

(c) Were the Glancy Commission recommendations kept in view at that time? If not, why?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : (a) Thakur Raghunath Singh, Patwari, was given promotion in view of special recommendations of Tehsildar and Wazir Wazarat about his general good work in various directions.

(b) No.

(c) Yes.

MIAN QURBAN AHMED : Was Government sanction obtained to supersede other senior people in granting promotion to him?

THE HON'BLE MR. K. N. KNOX (Revenue Minister) : I don't know. That is a new question.

139. MIAN QURBAN AHMED : (a) Will the Hon'ble Revenue Minister please state how Mohan Lal an untrained inhabitant of Jammu has been posted in Basohli Tehsil?

(b) Has the other Mohammedan candidates and the Glancy recommendations been kept in view? If not, why?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : (a) Mohanlal was appointed because no other candidate was available in Kathua. Moreover he had worked in different capacities on previous occasions and was better educated.

(b) There were four Muslim and one Harijan candidates in Kathua who had already been appointed in the arrangements as shown below :—

(1) Maqbul Hussain was appointed in leave arrangement of Ram Lal, Patwari;

(2) Khadim Hussain, Wazifakhwar, was appointed *vice* Sadhu Ram, Patwari;

(3) Faiz Ahmad was appointed *vice* Khadim Hussain, Wazifakhwar;

(4) Shah Mohammad was appointed in the leave arrangement of the Assistant Record Keeper; and

(5) Inderjit Harijan was appointed in the leave arrangement of Baisakha Singh, Patwari.

140. LALA SHIV NATH NANDA (Srinagar City : Hindu other

than Kashmiri Pandits) : Is it a fact that on several halting places on the J. V. Road and B. C. Road there used to be Hindu kitchens controlled by the Government?

Now that they have been closed, is there any other alternative for the Hindu travellers except that they may take unwholesome food at the shops of the bakers?

If the answer be in the negative, will Government please remove this grievance by starting these Hindu kitchens as before?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) Yes.

(b) Hindu kitchens on the J. V. Road have been closed, but those on the B. C. Road are still open.

LALA SHIV NATH NANDA : My question has not been replied. The question is whether the kitchens on the J. V. Road that have been closed will be re-opened or not?

THE HON'BLE MR. WAJAHAT HUSSAIN : They will not be opened on the J. V. Road.

LALA SHIV NATH NANDA : Because visitors do not come that way.

THE HON'BLE MR. WAJAHAT HUSSAIN : We are taking steps that visitors may not come that way.

MIAN AHMED YAR : Why is traffic on J. V. Road discouraged?

THE HON'BLE MR. WAJAHAT HUSSAIN : Traffic is not being discouraged. Goods generally come by that road.

141. LALA SHIV NATH NANDA : Will the Hon'ble Home Minister please state how many electric lamps are there on the bridge?

If answer be that there are no lamps on the bridge what can be the cause of the absence of light on a bridge at the construction of which lacs of rupees have been spent?

THE HON'BLE MR. WAJAHAT HUSSAIN : The installation of 6 lamps on the Tawi bridge has been taken in hand and will be completed as soon as the special wire (on order already) required for this work is received from Europe.

LALA SHIV NATH NANDA : I think the same reply was given to the question of Sardar Sahib in the last session.

THE HON'BLE MR. WAJAHAT HUSSAIN : That means that such a reply "may" have been given. (laughter)

LALA SHIV NATH NANDA : May I ask why so much time has been taken? Questions have been asked about this for the last two years. Is the wire so lengthy that it could not reach here even in so long a time. Now-a-days it can be brought in an aeroplane. When three lakhs of rupees have already been spent, why is so much time taken in fitting it with electric light?

THE HON'BLE MR. WAJAHAT HUSSAIN : Provision has been made in the budget this year. There was none last year. Arrange-

ments will therefore be made this year.

LALA SHIV NATH NANDA : I think the Hon'ble Home Minister visited that bridge in the dark this year and has therefore made the arrangement now.

THE HON'BLE MR. WAJAHAT HUSSAIN : I do not walk in the dark. (Laughter)

142. LALA SHIV NATH NANDA : Will Government please supply the following information :—

- (a) What has been the total expenditure incurred by the Government on the Industries Department since the time it was set up?
- (b) How many schemes regarding Industries has this Department upto now submitted to the Government whereby the trade of the State and the condition of the poor public may be improved?
- (c) What action did the Government take on such schemes and what schemes were put into practice?
- (d) How many applications were received by the Director or the Deputy Director of Industries from the public for starting factories and what orders were issued on such applications and what replies were sent to such applicants by the Industries Department?
- (e) The date of receipt of such applications may also be stated along with the date of despatch of such replies?

COLONEL BALDEV SINGH PATHANIA (Governor Jammu) : (a) The total expenditure incurred for this Department since its establishment in 1980 that is in 13½ years ending Assuj 1993 comes to Rs. 4,43,000.

(b) Proposals numbering over 182 were prepared and submitted. 115 were accepted. This Department has no information of any proposal having been rejected on merits. If others have not been acted upon, it was because of financial stringency, uncongenial circumstances and for other similar causes.

As a result of creation and sustenance of industrial atmosphere, development followed in two directions, namely, Marginal and Nuclear.

Marginal Development.

(1) (a)	Number of handlooms in 1929	...	12,000	Handloom Woollen Industry.
(b)	" " " " 1935	...	30,000	
(c)	Increase in production by 25 per cent.	...	30,000	
(d)	All round improvement in fabrics.			
(2) (a)	Number of handlooms in 1929	...	30	Handloom Silk wear- ing.
(b)	" " " " 1933	...	1,000	
(c)	" " " " 1935	...	1,200	
			to 1,500	

- (d) Value of annual output in 1929 not more than ... Rs. 10,000
- (e) Value of annual output in 1935 ... Rs. 12,00,000
- (f) Consumption of Kashmir raw silk in 1929 ... Very small quantity.
- (g) " " " " 1932 ... 6,000 Lbs.
- (h) " " " " 1935 ... 22,000 Lbs.
- (i) Pronounced development in manufacturing technique and in strength and texture of fabrics.
- (j) The industry travelled from cottage scale to the large scale manufacturing by power factories.

Furniture and Cabinet-making and Upholstry Works.	(3) (a)	Furniture shops in the State in 1925	...	5
	(b)	" " " " 1935	...	32
	(c)	Imports of furniture articles and upholstery have completely stopped.		
Tanning.	(4) (a)	Tanneries before 1929	...	1
	(b)	Tanneries in 1935	...	3
Tent-making.	(5) (a)	Tent Factories in 1929	...	1
	(b)	" " " 1935	...	5
		Imports of these have entirely ceased.		
Willow Works Srinagar.	(6) (a)	Willow Works' shops in 1929	...	2
	(b)	" " " " 1935	...	6
Book binding establishment.	(7) (a)	In 1930	...	6
	(b)	In 1936	...	19
Brassware and Bell-metal Industry of Jammu.	(8) (a)	Number of shops in 1930	...	13
	(b)	" " " " 1936	...	44
Soap Industry.	(9) (a)	Upto 1929 soap manufacturing on factory scale was unknown.		
	(b)	Soap factories in 1935	...	4
Calico Printing Establishment.	(10) (a)	In 1929	...	None
	(b)	In 1936	...	3
Oil Pressing.	(11) (a)	Oil-pressing with expeller in 1929	...	None
	(b)	" " " " 1936	...	1
Steel Trunk Manufacturing.	(12) (a)	Number of shops in 1929	...	1
	(b)	" " " " 1936	...	5

Hosier
Works.

Papier-
Maché,
Wood Carv-
ing, Embro-
dery of all
sorts, Sil-
verware and
Namdas.
Carpets.

Trade
Expansion.

- (13) Three factories have been established where none existed before 1929.
- (14) These handicrafts have received considerable development through re-orientation of make and design.
- (15) Grant of subsidy enabled the Carpet manufacturers to sustain themselves through the depression and put up modern designs and tapestry.
- (16) (a) Kashmir traders who maintain their shops outside the State were only 3 in 1929; by 1935 they increased to 7.
- (b) Sale of goods during State Exhibitions:—
- | | | |
|---------|-----|--------------|
| In 1929 | .. | Rs. 46,000 |
| In 1934 | ... | Rs. 2,50,000 |
| In 1936 | ... | Rs. 3,00,000 |
- (c) Government of India purchases from the State:—
- | | | |
|-----------------------------|-----|------------------------|
| In 1929 | ... | None |
| Annually since 1929 to 1935 | ... | Rs. 4,000 to Rs. 6,000 |
- (d) Trade resulting from the operation of Civil Supply Department is very considerable, for imports from outside have almost ceased. Financial effect is to be investigated.
- (17) (a) In 1929
- (b) In 1935
- | | |
|-----|-----|
| ... | 95 |
| ... | 205 |
- (18) (a) Sapphire Mines (Padar).
- (b) Bentonite (Bhimber).
- (c) Aquamarine (Drass).
- (d) Clay Deposits (Jammu).
- (19) (a) Number of Companies registered upto 1929
- (b) Number of Companies registered upto 1936
- | | |
|-----|----|
| ... | 3 |
| ... | 38 |
- (c) Details given under (b).
- (d) and (e) This necessitates examination of 14 years record and expenditure of considerable time for tabulating statements of replies which cannot

Industrial
Power
Installation.
Exploita-
tion of
Mineral
Products.

Registra-
tion of
Joint Stock
Companies.

be made ready before the present session.

LALA SHIV NATH NANDA : I did not ask for the statement for myself alone. I wanted the other members also to be informed of it, so that they could put questions about it. It is therefore better that it should be read out.

THE HON'BLE MR. WAJAHAT HUSSAIN : Sir, these are printed afterwards in the proceedings.

THE HON'BLE MR. K. N. KNOX : The statement covers seven pages. Much time will be wasted in reading it.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : (To Lala Shiv Nath Nanda) It will take time to read it. Please put your question.

LALA SHIV NATH NANDA : I can put the question, but I wish that my learned friends should also be able to do so.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : (To Colonel Baldev Singh) Please read on. Many questions will remain un-replied.

LALA AMAR NATH KOHLI : Other members have no interest in it.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : (To Colonel Baldev Singh) Please read on.

NOTE.—Colonel Baldev Singh read out a page of the statement and the Hon'ble President stopped him saying

"I think the Hon'ble Member is satisfied and it is only a waste of time now"

LALA SHIV NATH NANDA : If this is a waste of time, I think no question should be asked.

143. LALA SHIV NATH NANDA : (a) Is it a fact that in reply to my question No. 208 in the last Srinagar Session of the Praja Sabha it was stated that during the last few years the amount of money that the Government spent on schools for Technical Education is Rs. 4,44,626?

(b) Is it also a fact that in these schools excepting carpentry, smithy, masonry or basket-weaving and the like no special training is imparted to students whereby the students may as a whole be of any use in the starting of some big Industrial concern?

(c) If the answer be in the affirmative, will Government, by spending this amount which comes to about Rs. 42,000 per annum on those who desire to go to England or to other foreign countries to receive education in industries, help the people in improving their economic condition so that with the help of those students who will return from abroad after training limited industrial concerns may be started?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) Yes.

(b) Yes, it is a fact that education in arts and crafts is imparted on a small scale in the Technical School.

(c) No.

144. LALA SHIV NATH NANDA : (a) Is it a fact that it is a common complaint of the people of Kandi District that the drinking water which they get is dirty, injurious to health and that sometimes there is no water and has to be brought from long distances?

(b) Is it also a fact that to remove this complaint Kandi Division was established by the Government with the object of providing facilities in the supply of drinking water and to construct tanks and wells in Kandi for the purpose?

(c) Is it a fact that it is five years now since the Government abolished this Division?

(d) If the answer be in the affirmative, will Government please state what steps have been taken to remove the increasing hardships that the people are experiencing now because the Division has been abolished? Is not the abolishing of the Division in the face of such difficulties based on injustice to the people of this district?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) Yes.

(b) Yes.

(c) The Kandi Division was abolished in 1929.

(d) The reply to the last part of the question is in the negative. A sum of Rs. 28,000 was spent last year on the construction of wells and tanks and this year a sum of Rs. 40,000 has been allotted for the same purpose. The Hon'ble Revenue Minister has prepared a scheme according to which attention each year will be concentrated on a small area like a Tehsil, and its needs satisfied before taking up work in any other area. The needs of the area will be ascertained by a committee consisting of the Governor of Jammu, the Divisional Engineer, Irrigation Division, the local Revenue Officers and some members of the Praja Sabha with a number of intelligent and influential gentlemen belonging to the locality. The committee will draw up a list of works and prepare the estimates. The execution of works will be entirely in the hands of the local people, but will be supervised by an Overseer of the P. W. D. under the control of the Governor and the Divisional Engineer. Tehsil Bhimber, the worst affected Tehsil in the State, has been selected this year, and it is proposed to spend a sum of Rs. 54,000 on its works.

PANDIT RAM CHANDRA DOBEY : Over how many Tehsils does the Kandi Illaqa extend?

THE HON'BLE MR. WAJAHAT HUSSAIN : You know it, you have been a Governor. (Laughter)

LALA HANS RAJ : It is hoped that the scheme which has been prepared now will lead to some good arrangement for the Kandi Illaqa. The Hon'ble Revenue Minister has become aware of every detail.

PANDIT LOK NATH SHARMA : Long live Lala Hans Raj.

145. MR. ABDUL KARIM (Mirpur-Kotli : Muslim) : Will

Government please state whether the Land Record Officer visited Illaqa Khari, Tehsil Mirpur and on hearing the complaints of the zamindars he inspected those cultivated lands which had been spoiled by dampness with the result that the zamindars suffered a great loss?

What means have the Government devised to ameliorate this condition?

COLONEL BALDEV SINGH (Governor Jammu, on behalf of the Hon'ble Revenue Minister) : 1st part.—Yes.

2nd part.—The matter is under correspondence with the Irrigation Department of the Punjab.

146. MR. ABDUL KARIM : Is it a fact that the civil imprisonment has not proved very effective in the realization of debts?

If it is a fact, are Government prepared to abolish civil imprisonment?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Judicial Minister) : It is not a fact that the civil imprisonment has not proved effective in the realization of debts. The imprisonment is awarded only where a party able to pay but refuses to do so. It is not meant as a punishment.

Attention of the Member is drawn to the reply given to him to his Q. D. No. 950 of the last session. It shows that only in 25 cases Rs. 3,442 were realized.

In view of the reply to the first part of the question the 2nd part does not arise.

SHEIKH MOHAMMED AMIN : Have the zamindars been exempted from Civil Imprisonment in the Punjab?

PANDIT RAM NATH SHARMA : The Punjab Law has been amended a little.

SHEIKH MOHAMMED AMIN : Has it only been amended a little or they have been exempted?

PANDIT RAM NATH SHARMA : They have been exempted to some extent.

MIAN AHMED YAR : On what principle is punishment inflicted?

PANDIT RAM NATH SHARMA : The Government is not prepared to state the principle, because no notice has been given.

MIAN AHMED YAR : Is the Government prepared to explain the principle of Law under which these proceedings are conducted?

PANDIT RAM NATH SHARMA : This is quite a new question. The principle cannot be stated now.

LALA SHIV NATH NANDA : Principles are meant for defaulters.

147. MR. ABDUL KARIM : Is it a fact that the Government after submitting Kahcharai Bill in the last session of the Praja

Sabha withdrew it?

If it be a fact should it be taken to mean that the Government will remit the Kahcharai tax?

COLONEL BALDEV SINGH (On behalf of the Hon'ble Revenue Minister) : 1st part.—Yes, the bill as introduced under Rule 48 of the Rules of Business and Procedure of the Praja Sabha was withdrawn.

2nd part.—No. The Government proposes to lay this bill now before the Praja Sabha under Section 38 of Regulation No. 1 of 1991.

MIAN AHMED YAR : What are the reasons for bringing this bill under Section 38?

THE HON'BLE MR. K. N. KNOX : The reason is that it is a taxation bill.

MIAN AHMED YAR : Has any new tax been imposed?

THE HON'BLE MR. K. N. KNOX : I believe, not, Sir. But I am very new to the question.

MR. M. A. BEG : According to Section 38, only those matters are to be brought before the House in which some taxes are enhanced or charged. Has any particular change taken place in the case of Kahcharai tax?

THE HON'BLE MR. WAJAHAT HUSSAIN : May I suggest to my friend the best occasion for him to take up this objection would be when the Kahcharai Bill is taken up.

148. MR. ABDUL KARIM : (a) Are Government aware that in Mirpur City the Patwaris have entered the land of the people in the Revenue Records?

(b) Is it also a fact that people have the possession of the place for as many as three generations?

(c) Is it not far from justice to order for the withdrawal of the rights of possession there?

(d) Is not Government prepared to file all such papers? If not, why?

COLONEL BALDEV SINGH (On behalf of the Hon'ble Revenue Minister) : (a) No.

(b), (c) and (d) Do not arise.

149. MR. ABDUL KARIM : Will Government please state :—
(a) When will the period of limitation of twenty-one years in the Land Alienation Act be enforced?

(b) Cannot those lands which have been mortgaged without possessions with the non-agriculturists for the last sixty years be released?

(c) On the contrary, is Government prepared to fix for the future any criterion for the release of such lands? If not, what advantages have accrued to the zamindars by fixing limitation period of the Land Alienation Act

after twenty-one years?

COLONEL BALDEV SINGH (On behalf of the Hon'ble Revenue Minister) : (a) From the date of enforcement of the Regulation.

(b) This will be governed by the terms and conditions of the mortgage.

(c) 1st part.—Reply to part (b) disposes of this point also.

2nd part.—The Regulation is intended to protect agriculturists from the date of its enactment for future transaction.

150. MIAN AHMED YAR (Muzaffarabad : Muslim) : Will the Hon'ble Revenue Minister please state the number and the location of the bridges existing 8 years before for crossing the river Kishenganga in Muzaffarabad?

What is the number and location of the bridges on this river at present and why has the number been reduced now?

COLONEL BALDEV SINGH (On behalf of the Hon'ble Revenue Minister) : The statement required is placed on the table of the Praja Sabha Sad. The number has been reduced as a measure against kuth smuggling.

Statement showing number and location of bridges on Kishenganga river existing at present and 8 years previously.

Serial No.	Tahsil.	Locality of the Bridges.		REMARKS.
		8 years previously.	Existing at present.	
1	Muzaffarabad	Between Balgran and Dhani Bamba.	These bridges have been removed by the Forest Department as a measure to check kuth smuggling.
2	Do.	Between Ratra and Sachyan.	....
3	Do.	Between Town and Khumdrang.	Between Town and Khumdrang.	
3	Do.	Between Culsair and Chhalpani.	Opened to facilitate locomotion of cattle and human beings.
5	Karnah.	Teetwal	.. Teetwal.	Removed by the Forest Department as a measure to check kuth smuggling.
6	Do.	Mirpore	.. Mirpore.	
7	Do.	Salkhalla	.. Salkhalla.	
8	Do.	Keran	.. Keran.	
9	Do.	Dwarian	.. Dwarian.	
10	Do.	Doudenyal	.. Doudenyal.	
11	Do.	Shardaji	.. Shardaji.	
12	Do.	Seri	.. Seri.	
13	Do.	Kel Shekhhbella	.. Kel Shekhhbella.	
14	Do.	Betwogn Bandi-Ashkote.	....
15	Do.	Between Bugna and Lala.	Removed by the Forest Department as a measure to check kuth smuggling.
16	Do.	Changan.	.. Changan.	
17	Do.	Dousut	.. Dousut.	

NOTE.—Nos. 16 and 17 are rope bridges.

MIAN AHMED YAR : Has the removal of these bridges brought about any decrease in smuggling?

THE HON'BLE MR. WAJAHAT HUSSAIN : That is a new question, Sir.

151. MIAN AHMED YAR : Will the Hon'ble Revenue Minister issue orders to the subordinate staff of Revenue Department and Revenue officers to the effect that since the areas to be found on the banks of the rivers and Nullahs are generally the alluvial lands of the zamindars, therefore such alluvial lands instead of being entered as Khalsa areas should be given to the zamindars for cultivation as Nautor areas?

COLONEL BALDEV SINGH (On behalf of the Hon'ble Revenue Minister) : In respect of lands destroyed by rivers, torrents or swamps, persons enjoying proprietary or other rights over it before destruction would be entitled to similar rights on its reclamation under rule 15 of Alluvion and Diluvion Rules. As such the question of fresh instructions does not arise.

MIAN AHMED YAR : What is the objection in entering the areas so reclaimed as "Shamilat" instead of "Khalsa".

THE HON'BLE MR. K. N. KNOX : I cannot say off-hand. It would depend on the conditions of the particular villages. It is a legal point and alluvion and diluvion are governed by law. It is possible that mistakes may have been made by making entries in the register which can be set right.

152. MIAN AHMED YAR : Will the Hon'ble Revenue Minister issue orders to the concerned staff of the Revenue Department to supervise and to take strict action against those persons who realize excess of Chowkidara fee from the zamindars and thus render this practice of excess charging impracticable, because in view of the reduction in Chowkidara 'Bachh' caused by an increase in the population, it is necessary to realize less Chowkidara fee per head than the previous 'Bachh'?

COLONEL BALDEV SINGH (On behalf of the Hon'ble Revenue Minister) : Under Rule 30 of the Chowkidara Rules the villagers are entitled to apply for revision of Bachh to the Wazir Wazarat any time, issue of special orders in this respect is not called for.

MIAN AHMED YAR : My question has not been replied. It is

a fact that realizations are made in excess and now that the population has increased, it is necessary to issue orders to check it. Will such instructions be issued or not?

COLONEL BALDEV SINGH PATHANIA : It has been clearly laid down in the Rules that if any person has any complaint, he can apply to the Wazir Wazarat, who will always consider such applications.

MIAN AHMED YAR : The rule may kindly be read out?

NOTE.—The Governor read out the concerned rule.

MIAN AHMED YAR : This is about new assessment. The question is about doing away with corrupt practices. The population is increasing and the number of houses along with it. There are realizations in excess. Why does the Government not issue a general order for revision of 'Bachh'.

THE HON'BLE MR. K. N. KNOX : I am informed that there are no realizations in excess. Under the present circumstances the Chowkidara tax is fixed in the villages. If the Hon'ble member would give me any instances in which excessive tax has been realized, I will make enquiries and try to put the matter right.

153. MIAN AHMED YAR : Will the Hon'ble Revenue Minister issue orders to the effect that the name "Births and Deaths Report Fee" be substituted for "Chowkidara fee" because of the fact that the Chowkidars do not keep watch over the houses of the zamindars but submit the Birth and Death report only?

COLONEL BALDEV SINGH (On behalf of the Hon'ble Revenue Minister) : No.

154. MIAN AHMED YAR : Will Government put a stop to the practice of realising Chowkidara fee when the Chowkidars only help the working of the Government Machinery and their existence is not in the least beneficial to the zamindars?

COLONEL BALDEV SINGH (On behalf of the Hon'ble Revenue Minister) : No.

155. KHAWAJA ALI MOHAMMAD : Will the Hon'ble Home Minister please state :—

- (a) What expenditure has been incurred in the construction of Zainakadal and Habbakadal bridges?
- (b) Was any agreement for constructing these bridges within a prescribed period made with the contractors and what were the terms of that agreement?
- (c) Did the contractors fail to construct the bridges within the prescribed period with the result that the public had to face great difficulties?
- (d) Are Government prepared to take any action against the contractors in accordance with the terms of the agreement? If not, the reasons may be stated?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) The estimated

cost of the bridges is Rs. 56,000 and Rs. 46,300 respectively. The actual expenditure is not known yet.

(b) Yes. According to the agreements the construction of the bridges should have been completed within six months.

(c) and (d) The Member is referred to the answer given to question No.606 of last Session put by Haji Ahmedullah Shahdad.

156. KHAWAJA ALI MOHAMMAD : (a) Is it a fact that the complaints against the mismanagement of the Diamond Jubilee Zenana Hospital, Srinagar, and regarding indifferent attitude of the Lady Superintendent of the said Hospital towards the patients have been brought to the notice of the Government through the newspapers?

(b) Do the patients from very distant places not keep waiting on the stairs for days together?

(c) Are the Indoor patients also not treated satisfactorily?

(d) Under these circumstances will the Government be prepared to appoint a Commission for enquiry into the complaints against the Lady Superintendent of the said Hospital?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) Vague complaints have been made but they are baseless.

(b) No.

(c) Yes, they are treated satisfactorily.

(d) Does not arise.

157. KHAWAJA ALI MOHAMMAD : Is it a fact that :—

(a) One Sonadar of Babapura Habba Kadal, Srinagar had submitted a complaint dated 19th Maghar 1993 to the Inspector of Customs Srinagar to the effect that certain intoxicating drugs for instance Opium, Charas, Chandu etc., are being illegally imported and sold at certain shops in the city of Srinagar and thus the Customs and Excise Rules are being infringed?

(b) Is it also a fact that the complainant had also furnished a list of the persons who have been accused for being guilty of this crime?

(c) Is it also a fact that the complainant himself had several times brought the facts to the notice of the Inspector?

(d) If the answers to (a), (b) and (c) be in the affirmative, will it be stated as to why no action has been taken against the Inspector of Customs and Excise when the complainant had satisfied him as regards the guilt of the accused persons and it was imperative on the Inspector under the Customs Regulation to take an action on such complaint?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI (Finance Minister) : (a) Yes, a complaint was received.

(b) The complainant mentioned two or three names.

(c) No. He came to the Inspector only once when he lodged the complaint.

(d) The Inspector posted a Deputy Inspector with the complainant and asked him to substantiate the complaint which he failed to do. The Deputy Inspector made enquires on behalf of the Department and found the complaint baseless.

158. KHAWAJA ALI MOHAMMAD : Will Government please state that :—

(a) Why the Inspector of Customs Kashmir had been postponing the enquiry as regards to the illegal sale of the intoxicating drugs in spite of the fact that one Sonadar had been informing him about the illegal sale of such articles?

(b) Did the complainant, as a lost resort, submit a petition to the District Magistrate and the other to the Additional District Magistrate on the 5th of Magh 1993 wherein he made a complaint regarding the postponement of the enquiry by the Inspector of Customs?

(c) Did the District Magistrate forward a copy of the above application to the Superintendent of Police under his No. 184, dated the 17th of Magh 1993 and another to the Inspector of Customs under No. 185, dated the 17th of Magh 1993 for necessary action?

(d) If the answer to (c) be in the affirmative, will it be stated what action was taken by the Inspector of Customs on the application received by him from the District Magistrate under his No. 185, dated 17th Magh 1993? If not, why and what made him not to discharge his legitimate duties?

(e) Is it also a fact that the Superintendent of Police at once started enquiry and arrested the accused persons, whereby the complainant's complaint got support?

(f) Under these circumstances, will the Government please take action against the Inspector of Customs for his having remained silent in the discharge of his duties?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI :

(a) There was no postponement of enquiry.

(b) The complainant appears to have submitted a petition to the District Magistrate.

(c) and (d) The District Magistrate's endorsement was received in the Inspector's office on 19th Magh 1993 while the places where illicit drugs were alleged to be sold were raided by the Police on 18th Magh i. e., a day earlier. Further action by the Inspector Customs and Excise was thus not necessary.

(e) The case is subjudice and no opinion can be expressed regarding the genuineness of Sonadar's complaint at this stage.

Sonadar will have to prove the complaint in Court where the case is being challaned. This could not be done earlier as the papers from the Magistrate were received by the Inspector only a couple of days ago.

(f) Does not arise.

159. KHAWAJA ALI MOHAMMAD : (a) Will the Hon'ble Finance Minister please state why is the permission of Municipal Committee thought to be necessary for putting up more windows in the houses?

(b) Will this unnecessary restriction be removed keeping in view the public inconvenience? If not, why?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI (Finance Minister) : (a) Permission for opening windows is not enjoined.

(b) Does not arise.

KHAWAJA ALI MOHAMMAD : I want to know as to why permission is necessary for this?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : It has been stated that such permission is not necessary. Rules do not enjoin it.

VOICES : Perhaps he did not hear the reply.

160. WAZIR MOHAMMAD KHAN (Astore : Muslim) : Was it not stated in the last session of the Praja Sabha held at Jammu that the cleaning of the roads should not be done through the contractors because they try to help their relatives while all the Zamindars of Illaqa Astore are denied those advantages? The zamindars complain that this should not be the case and the cleaning of the roads should be carried out as has been the practice before through the P. W. D., so that the zamindars may also be benefited in these days of increasing unemployment?

Will Government engage free labour as before for the cleaning of the roads so that the poor people are all in general benefited?

THE HON'BLE MR. WAJAHAT HUSSAIN : The Member is referred to the answer given to Q. D. No. 67 asked by him in the Praja Sabha Session held at Jammu in Chet 1992. I am prepared to issue orders that the contractors should employ local zamindars.

161. WAZIR MOHAMMED KHAN : Is it a fact that the people of Astore and Bunji are very backward in education : while in other provinces graduates are found in plenty, in Astore there is only one person who is the first graduate while not to mention of B. A's and F. A's there is not even a matriculate there. Such is the state of education in this Illaqa. Will Government taking pity on the condition of these poor people increase the number of frontier scholarships? We hope the Government will encourage them.

THE HON'BLE MR. WAJAHAT HUSSAIN : Yes ; the educational condition of Astore and Bunji is depressed. Nine scholarships have been sanctioned for such boys of the Illaqa who receive education in Schools or Colleges. When the number of the boys will go up an increase will be made in the number of the scholarships, also.

162. SUBEDAR KHAN MOHAMMED KHAN (Bagh Sudhnuti Poonch : Muslim) : (a) Will Government please state as to what is the total area of Poonch in square miles?

(b) What is the average area in square miles for one primary school? If the answer be that the number of Primary Schools is less in proportion to the population of the area, are then the Education Department of Poonch prepared to start ten new primary schools every year?

COLONEL BALDEV SINGH PATHANIA : (a) 1,600 square miles, out of which only one-fifth is cultivated area.

(b) 106.

(c) For every three square miles of cultivated area there is one Primary School. The last part of the question does not arise.

163. SUBEDAR KHAN MOHAMMED KHAN : (a) Is it a fact that in reply to a question asked in the last session it was stated that the question of holding an Exhibition in Poonch would be taken up for consideration?

(b) Did the Wazir Poonch also before a public gathering at Rawalakot promise to hold an Exhibition?

(c) If the answer be in the affirmative, it may please be stated when will this Exhibition be held?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : (a) Yes.

(b) The Wazir Poonch promised to consider it.

(c) 13th, 14th and 15th Baisakh 1904, have been fixed for holding Exhibition at Sakhi Sarwar in Tehsil Mendhar and the Chief Revenue Officer has been directed to take necessary steps in the matter.

164. SUBEDAR KHAN MOHAMMED KHAN : Will it please be stated as to whether sanction has been granted by the Kashmir Durbar for the construction of bridges etc. at Lachhman Pattan, Dhalkot, Ram Pattan?

(b) If the answer be in the affirmative, it may please be stated when will the work be started?

COLONEL BALDEV SINGH PATHANIA : (a) Yes.

(b) The work regarding construction of pedestrian bridges at Dhalkot, Ram Pattan will be considered after the work of the construction of the Lachhman Pattan Bridge is completed and old ropes become available.

165. SUBEDAR KHAN MOHAMMED KHAN : (a) Has the

Forest demarcation of Tehsil Haveli Mahndhar been completed?

(b) If the answer be in the affirmative, is it a fact that the areas outside the boundaries of the demarcated forests have been made over to the Revenue Department Poonch? If not, why?

WAZIR FERAZ CHAND (On behalf of the Hon'ble Revenue Minister) : (a) Yes, the field work.

(b) No. This question will be considered when the demarcation work of the Illaqa is completed.

166. SUBEDAR KHAN MOHAMMED KHAN : In reply to Q. D. No. 7, dated 6th October 1936 asked in the last session it was stated that the estimate of the bridge at Saral in Tehsil Kotli, District Mirpur was under preparation?

It may kindly be stated when this work will be taken up?

THE HON'BLE MR. WAJAHAT HUSSAIN : The estimate is still under preparation. The work will be taken in hand when funds are allotted by Government.

167. LALA HANS RAJ (Jammu : Hindu) : Are Government prepared to remit Chowkidara due in the town of Akhnoor when Dharat is being charged there? If not, why?

COLONEL BALDEV SINGH PATHANIA : Dharat is levied for the improvement of Towns and for providing better sanitation, lighting etc. and is a local fund.

Chowkidara is levied in accordance with the rules on the subject for watch and ward of the town and has ceased to be a local fund. It has been amalgamated with the General Revenues. The question of remission of Chowkidara does not therefore arise.

168. LALA HANS RAI : (a) Is Government prepared to remove the hardships of the public by providing water-taps at Samba and Akhnoor? If not, why?

(b) When does the Government contemplate doing so?

COLONEL BALDEV SINGH PATHANIA : (a) and (b) The Government have already taken up the question of supply of water for drinking and other purposes to the Kandi Illaqa of the Jammu Province. A meeting was recently held in the office of the Governor of Jammu to devise means to tackle the problem and it was decided to start work by tehsils. Consequently, Bhimber Tehsil, where the scarcity of water was very acute, has been taken up first. After finishing the work in Bhimber Tehsil, work in another Tehsil in order of urgency will be taken in hand.

169. LALA HANS RAI : (a) Is Government aware that in the town and Illaqa of Ranbirsinghpura Malaria is excessively rife the cause of which are the preponderance of mosquitoes and the absence of cleanliness?

(b) If the answer be in the affirmative, when will the Government be prepared to take any practical steps to check this?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) It is true

that Malaria is very rife in the area as also in the adjoining area of British India. The absence of cleanliness though a big factor in the spread of most diseases is only of comparative importance in the spread of Malaria.

(b) The Government is already doing what it can to improve sanitary conditions in the Mufassils. The Medical Department provides necessary medical relief by way of free distribution of Quinine in Illaqs infected with Malaria. Other Government agencies such as the Sanitation Cess Board, the Panchayat Department and the Public Health Standing Committee are also doing useful work in their sphere about improvement of Mufassil sanitation. A Sanitary Inspector has recently been appointed for Ranbirsinghpura.

The control of Malaria is one of the greatest and most difficult problems in the world. Much money has been spent and much research work has been done in this connection in many parts of the world including British India. The subject receives much attention from the League of Nations. His Highness' Government carefully watches progress and is at all times ready to take advantage of any practical means to combat this disease. It must be confessed that so far the results of research work from a practical point of view are disappointing.

LALA HANS RAJ : If the root cause does not lie in lack of cleanliness, in what else does it lie?

LALA AMAR NATH KOHLI : Does it lie in water?

THE HON'BLE MR. WAJAHAT HUSSAIN : No Sir, in the insect. (Laughter)

LALA HANS RAJ : What a fun.

A VOICE : Disappointment should be removed.

ANOTHER VOICE : How?

VOICES : He has set himself to it.

170. LALA HANS RAJ : Is it a fact that on Karan Singh Bridge across the river Chenab in Akhnoor town, many bad characters prowling in evenings and being drunk they talk ribald things and they tease the women folk going to fetch water?

(b) If the answer be in the affirmative, when will Government take steps to check this?

THE HON'BLE MR. WAJAHAT HUSSAIN : No such complaint has been received so far. Enquiry is, however, being made.

LALA RAM LAL : (Pointing to Lala Hans Raj) He is complaining that.

THE HON'BLE MR. WAJAHAT HUSSAIN : No, it is not a complaint. It is a question.

171. LALA HANS RAJ : (a) Is Government aware that in the streets of Jammu and Srinagar cities when men go to attend offices and work in shops, in their absence, pedlars keep prowling into

their homes and this is producing very unhealthy effect on the public?

(b) If the answer be in the affirmative, this may please be put to an end through the Municipalities so that the complaint of the people may also be removed?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji :
(a) Government have no such information.

(b) The suggestion is impracticable and the Municipality is not empowered by Law to interfere in matters of this kind. Unless it can be shown that the presence of pedlars is a source of danger to traffic or public health in any particular locality.

172. SARDAR HARI SINGH (Wazarats Jammu, Udhampur, Reasi, etc. :Sikh) : (a) What is the total number of teachers in the primary schools and out of them how many are Muslims, how many Hindus, and how many Sikhs separately?

(b) What is the total number of the teachers in the middle schools? How many of them are Muslims, how many Hindus and how many Sikhs? If there is a paucity of Sikhs, are Government prepared to make up this deficiency? If not, why?

THE HON'BLE MR. WAJAHAT HUSSAIN : The number of teachers in the Jammu and Kashmir primary schools is 1,261, out of which 566 are Muslims, 645 non-Muslims and 50 Sikhs.

(b) In middle schools there are 583 teachers, out of which 177 are Muslims, 387 non-Muslims and 19 Sikhs. Consideration of Sikhs is kept in view while filling up vacancies.

SARDAR DHYAN SINGH : Do the figures show a paucity of Sikh teachers?

THE HON'BLE MR. WAJAHAT HUSSAIN : It cannot be believed. The Sikh representation is quite adequate.

SARDAR DHYAN SINGH : Will Government issue orders to make up the deficiency? (Laughter)

THE HON'BLE MR. WAJAHAT HUSSAIN : Sir, the Sardar Sahib has a misunderstanding. The Sikhs have a very good representation in the Education Department. The proportion of Sikhs is fully kept in view. The member need not be afraid.

173. SARDAR HARI SINGH : Will Government please state reasons for not prescribing "Hindi Karan Pathavali" No. 1-2 and "Hindi Karan Pathmala" No. 1 and 2 as text books in spite of the fact that three out of the four members made very good remarks about these two books and when in this behalf there is an order of the Hon'ble Home Minister dated 10th February 1934 that the books written by the State-subject authors, if highly spoken of, should be prescribed without any delay?

THE HON'BLE MR. WAJAHAT HUSSAIN : Not only two parts of "Karan Pathavali" but its five parts besides Primer have been sanctioned. "Karan Pathmala" is meant for girls

and as the existing book is in force only for the last two years, Chief Inspectress of Schools is of opinion that the book should not be changed so soon. The question of changing the existing books will be considered next year and it is hoped that in the meanwhile other State-subjects will write books for girls and it is just possible that those books will be more suitable than "Pathmala".

174. SARDAR HARI SINGH : Will the Government please state as to why those books which are to be given away as prize to the students every year are supplied from outside the State and authors in the State are not encouraged?

THE HON'BLE MR. WAJAHAT HUSSAIN : No suitable prize book prepared by any State-subject has been received in the office of Text Book Committee. This year only one book "Biography of Roop Bhawani" by Pandit Raghu Nath Dhar was received which has been sanctioned.

175. SARDAR HARI SINGH : Will Government please state as to when it was decided in a meeting held on the 14th January 1936 that a syllabus should be prepared and the same fact be got advertized in the whole State that a prize will be awarded to a person who writes a book on agriculture according to the syllabus. Why no syllabus has been prepared and a book from outside the State is under the consideration of the Government and the book written by Master Ram Rakha has been ignored?

THE HON'BLE MR. WAJAHAT HUSSAIN : No meeting of Text Book Committee was held on 14th January 1936. The Text Book Committee had not decided the fact that any person writing book on agriculture would be awarded a prize, but this resolution was passed by the Standing Committee on Education. The Syllabus of Primary Schools has been changed and it has been decided that the agricultural subjects should be included in the Urdu Course. For the present an Agricultural Primer has been granted for one year. Next year when new books would be prepared according to syllabus, this book will be cancelled. The books of Ram Rakha reached in the office very late and therefore they were not considered.

SARDAR HARI SINGH : Were these books sent to the office before the meeting of the Committee or after it?

THE HON'BLE MR. WAJAHAT HUSSAIN : Before the Committee met. But they ought to have been sent three months in advance.

176. SARDAR HARI SINGH : Is it a fact that nearly all the books taught up to the middle standard in the State are written by the non-State-subject authors in spite of the fact that there are authors in the State who have written books on every subject? Will Government please state as to the author of which particular

books on what subject has been encouraged? If none has been encouraged, why not?

THE HON'BLE MR. WAJAHAT HUSSAIN : No. Out of 25 book 11 books are of State-subjects. Upto 1934 the number of books of State-subject authors was only two but now it is 11.

177. WAZIR GANGA RAM : How many cases of embezzlement were brought against the Police Officials during the last three years and what was the result thereof?

THE HON'BLE MR. WAJAHAT HUSSAIN : Five cases of embezzlement were brought against the police officials during the last three years. 4 of the cases ended in the conviction of the accused and in one case the accused were acquitted.

178. WAZIR GANGA RAM : Are Government aware that contract of lorries for the Police has been granted to Haji Chirag Din? If the reply be in the affirmative, it may please be stated as to whether tenders were invited from other persons also? If not, why? Moreover it may also be stated as to whether this contract is auctioned annually, or for several years? If it is auctioned annually, the names of those firms, which submitted their tenders during the past three years may please be stated?

THE HON'BLE MR. WAJAHAT HUSSAIN : The contract was given to Haji Chirag Din in 1933 and is still held by him. It was given in consideration of low rates. In future, tenders will be called for after advertisement.

WAZIR GANGA RAM : My question was whether tenders had been called from other people also?

THE HON'BLE MR. WAJAHAT HUSSAIN : Tenders will be called regularly in future.

WAZIR GANGA RAM : My second query was whether these contracts are given annually or for some years only.

THE HON'BLE MR. WAJAHAT HUSSAIN : Sir, I think I should read the reply again. In the reply it has been stated that the contract is still held by the previous contractors. Obviously it means that the contract was not given annually so far, but will be given annually in future.

179. WAZIR GANGA RAM : In Jammu and Kashmir State it is generally found that Forest Contracts are auctioned on a large scale and granted to the outside companies and the State-subject Contractors, due to financial reasons, cannot secure contracts of cutting the timber etc. on such large scale. Are Government prepared to put such schemes into practice whereby the Forest contracts may be divided into compartments and thus could be granted to the State-subject contractors so that these contractors may also be benefited?

COLONEL BALDEV SINGH (On behalf of the Hon'ble Revenue Minister) : 1st part.—No. It is not a fact.

2nd part.—Does not arise.

180. WAZIR GANGA RAM : Are Government aware that the owners of Taxi lorries have on account of the present depression and unemployment raised and are still raising a hue and cry to the effect that the rates of road-toll should be reduced because it adversely affects the people of the State?

If the reply be in the affirmative, are Government prepared to make a reduction in the road-toll this year? If not, why not?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : The Government appointed a Committee to go into the question of Motor Taxation in the State with a view to provide relief where necessary. This Committee has made its recommendations and early orders are expected.

WAZIR GANGA RAM : Can we hope for a decision this year?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : It is difficult to predict that. The matter is under consideration with the Government.

SARDAR KANHAYA SINGH : Has the Committee recommended a reduction in the road-toll.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : The matter is still confidential and the papers are with the Government.

181. WAZIR GANGA RAM : (a) Is it a fact that there is no dispensary in the Niabat Gool, but there is only a Unani Physician and he too is given very small amount of grant-in-aid for purchasing the medicines with the result that the people are experiencing great hardships? If the reply be in the affirmative, are Government prepared to open a dispensary there as soon as possible?

(b) Or will Government provide sufficient pecuniary help, to the Unani Physician for purchasing medicines so that the poor people may get sufficient medical aid?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) and (b) Yes. The allowance given to the Unani Hakim is Rs. 25 per mensem which is given by way of subsidy on the condition that he would remain in the Illaqa to be available to the people of that locality for medical consultation and assistance. He is at liberty to charge the price of medicines from the patients till such time as the existing dispensaries are fully equipped and provided with suitable accommodation; the question of opening more dispensaries will not be entertained.

182. SARDAR KANHAYA SINGH : The pay of the Head Coolies (Mates) on the J. V. Road has been reduced from Rs. 22 to Rs. 18 per mensem and the pays of the labourers, engine drivers and mechanics have also been reduced? Is it a fact that the reduction in the pays of the engine drivers and the mechanics has been made up and the deducted amount refunded to them? Will Govern-

ment please favour the poor labourers and Head Coolies by raising their pays as before by reason of their being the poor and hard working class in the Road Department?

THE HON'BLE MR. WAJAHAT HUSSAIN : The Accountant General had raised an objection that the rates of pay for work charge establishment should not exceed the prescribed rates for the same class of establishment on regular establishment. The higher rates of pay were therefore stopped. The audit objection regarding the engine and lorry drivers and fitters has since been waived.

Mates in the Public Works Department are borne on Muster Rolls. As such, their wages have now been ordered to be paid at the rates of pay ranging from Rs. 16 to Rs. 20 per mensem.

The wages of labourers are regulated according to the conditions prevailing.

183. SARDAR KANHAYA SINGH (West Kashmir :Sikh) :Is it a fact that at Chakothi, Tehsil Uri, Hari Ram Sadu Ram sons of Jawala Dass constructed a Serai in their land of Khevat No. 1951 according to Khatooni No. 380 Mutations No. 756 of original Settlement and have been invariably paying ground rent for the area from No. 104 to No. 114 but this Serai and the building have fallen into ruins. Will Government in future remit the ground rent for such area and realize land-revenue according to the "Parta" of the village? If the answer be in the negative, the reasons therefor may be stated and it may also be explained as to whether it is proper to charge ground rent for the areas which have been in their names under Assami rights, when proprietary rights have been granted to them?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : Yes.

The ground rent chargeable for the Serai and shop of Hari Ram has been remitted permanently under the Revenue Minister's order dated 29th Phagan 1988, as the Serai and the shop have been burnt down.

MIAN AHMED YAR : Is land-revenue charged according to "Parta" for residential houses and shops used for commercial purposes?

COLONEL BALDEV SINGH : The question will be replied later on.

184. SARDAR KANHAYA SINGH : From Khatooni No. 72 according to register of ground rent No. 1981 it is found that the area has been entered under Assami rights and has been so held by Sadhu Singh son of Madan Singh village Chakothi, Tehsil Uri, since the Settlement of 1951 (Bikrami) and it was on this very Assami land No. 348, 357 (1981) that the shops were constructed?

Will Government remit ground rent for these and will they

in future realize land-revenue according to the Parta of the village when proprietary rights have been granted?

If the answer be in the negative, the reasons therefor may be stated?

COLONEL BALDEV SINGH PATHANIA : Khasra No. 357 of village Chakothi, Tehsil Uri is entered in the proprietary rights of one Bahadur Khan, with Pratap Singh as his tenant. This land is neither entered in the name of Sadhu Singh as proprietor or tenant nor any ground rent is charged on it. Khasra No. 348 is recorded in the name of Sadhu Singh and others as proprietors and a shop exists on it, the possession of which is recorded in the name of one Pratap Singh and the ground rent is realised from him (Pratap Singh).

The ground rent is charged in such cases under Rule No. 7, dated 25 Baisakh 1958, regarding construction of houses, shops and Serais on the Jhelum Valley Road. On general principles the rate at which land-revenue is assessed bears no relation to the fare rent for the sites of shops or houses.

185. SARDAR KANHAYA SINGH : Is it a fact that the Serai was constructed by Udham Singh etc., heirs of Pratap Singh son of Amar Singh (No. 352, 1987) village Chakothi, Tehsil Uri, even before the entry of Assami rights of 1951?

Will Government remit ground rent for these areas and in future realize land--revenue according to the Parta of the village in view of the fact that proprietary rights have been granted? If the answer be in the negative, the reasons therefor may kindly be stated?

COLONEL BALDEV SINGH PATHANIA : Yes. There exists a Serai on Khasra No. 352, of village Chakothi, Tehsil Uri which has been in possession of Pratap Singh and his heirs since 1954 Bikrami as recorded in the ground rent register. The heirs of Pratap Singh possess proprietary rights on this land. The ground rent is charged on the land from Samvat 1954.

As regards remission of ground rent on this land attention of Praja Sabha Sad is invited to Rule No. 7, dated 25th Baisakh 1958, regarding construction of shops, houses and Serais on the Jhelum Valley Road.

SARDAR KANHAYA SINGH : Is ground rent remitted on grant of proprietary rights? Will, under the rules referred to, ground rent continue to be charged even after the grant of proprietary rights.

THE HON'BLE MR. K. N. KNOX : So far as I understand, it stands.

SARDAR KANHAYA SINGH : How can ground rent be charged when proprietary rights have been granted? Land-revenue can be charged according to "Partah Deh".

THE HON'BLE MR. K. N. KNOX : I can enquire on the point later on. I cannot give an answer off hand.

186. SARDAR KANHAYA SINGH : A non-agriculturist cannot purchase more than four kanals of land outside the Municipal limits in the State while there is no such restriction for the agriculturists?

Is it a fact that the non-agriculturists and especially the money-lenders have purchased much of agricultural area at the various auctions of land? Will Government consider over the matter of imposing some restrictions in this behalf so that the land of the poor zamindars may not fall in the hands of the non-agriculturist money-lenders. Are Government prepared to give preference to the agriculturists over the non-agriculturists in the auctions?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : 1st part.—Yes.

2nd part.—The Government have no knowledge.

3rd part.—Under Revenue Department Ailan No. R-3 dated 8th June 1934, no distinction between agriculturists and non-agriculturists is observed when Government lands are sold by public auction. It is difficult to see how any such distinction could be justified.

SARDAR KANHAYA SINGH : If no distinction is made between an agriculturist and a non-agriculturist, will it kindly be stated whether agriculturists will be preferred to non-agriculturists at the time of auction?

THE HON'BLE MR. K. N. KNOX : I think he has no superior title. If the land is in his possession, he has a right to it. If the auction is a public one, there is no reason why an agriculturist should get and a non-agriculturist be deprived.

187. LALA RAM LAL : (a) It may please be stated whether the mercy petition of the convicts sentenced to death were heard by Shri Raja Sahib Bahadur Poonch before 1991?

(b) If the answer be in the affirmative, will Government please state whether such mercy petitions of the convicts are still heard by the aforesaid Shri Raja Sahib Poonch? If not, the reasons therefor may please be stated in detail?

WAZIR FERAZ CHAND (Wazir of Poonch) : The question relates to Patta and cannot therefore be asked.

188. LALA RAM LAL : Is it a fact that it is an old practice that the Kashmir Government has been paying to the Poonch Government for the Koriana charged by them at the Customs Post Kohala; that from 1990 the State has stopped the payment of Koriana? It may also please be stated whether in reply to a question asked in the last Praja Sabha Session it was said that the matter is under consideration?

(b) If the answer to (a) be in the affirmative, it may please be

stated how long will the matter remain under consideration?

It may also be stated whether Kashmir Government is prepared to grant the payment of the previous sums of Korianas dues and will it as before continue to pay Korianas? If not, the reasons therefor may please be stated?

WAZIR FEROZ CHAND (Wazir of Poonch) : (a) Yes.

(b) The question is still pending final decision of His Highness' Government.

189. LALA RAM LAL : (a) It may please be stated whether matters concerning Poonch were considered by the Kashmir Durbar before the inauguration of the Praja Sabha?

(b) If the answer be in the negative, why are matters concerning Poonch and other than those pertaining to legislation are now brought up for discussion before the Praja Sabha? The reasons therefor may please be stated in detail?

WAZIR FEROZ CHAND (Wazir of Poonch) : (a) Important matters according to the terms of Patta.

(b) With the inauguration of the Praja Sabha in which the Poonch Illaqa is represented; matters other than those reserved under law have necessarily to come up before the Praja Sabha.

LALA RAM LAL : When the reply to part (a) of the question is that according to Patta important matters were considered by the Durbar, why are all matters discussed in the Praja Sabha now.

WAZIR FEROZ CHAND : This is a new question.

LALA RAM LAL : The question is not a new one. But why are matters, except the important ones brought under discussion. Such matters are reserved under Regulation No. I of 1991.

Section 7 of Regulation No. I may be read and it may be stated why this is being done when there is a specific provision in the Patta. Has this provision been repealed.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Correct reply has been given.

ASSISTANT SECRETARY : "This Praja Sabha recommends to the Council that attention of Poonch Government be drawn to the fact that in the Palandari High School, where Hindu boys also receive education, a Hindi teacher be appointed as early as possible".

LALA RAM LAL VAKIL : Palandari is at a distance of twenty miles from Poonch. There is one high school in which many Hindu students who live in the vicinity, receive education. I would like to submit, Sir, that this Praja Sabha has already passed a resolution regarding the teaching of Hindi in the schools. Several deputations waited on the Poonch Government also and requested it to appoint a Hindi teacher there but no such teacher has been appointed so far. Student of that school who wish to read Hindi, should not be driven to take up Persian and other subjects. The

Poonch Government should not hesitate in appointing a Hindi teacher and should liberally satisfy our demand. The Hon'ble Home Minister has stated in reply to a question that an enquiry will be made from the Director about the Hindi teacher.

There is no reason why Poonch students be deprived of Hindi education. With these words I oppose the amendment that has been tabled by some members.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You can't say anything about the amendment yet.

LALA RAM LAL : I would then request the House to pass this resolution.

SARDAR DHYAN SINGH : I fully endorse the statement of Lala Ram Lal. The appointment of a Hindi teacher is a real need which should be satisfied. The Palandari school is located at so great a distance that it is not possible for the students of that school to go to some other school where they can read Hindi. Majority of the students of that school believe in Vedhas and other scriptures. A Hindi teacher should therefore be appointed in Palandari High School. With these words I support the resolution.

SHEIKH ABUL HAMID : Sir, my submission is that it would have been better to approach the Wazir of Poonch and request him for a Hindi teacher instead of moving a resolution in this House. The appointment of a teacher with a salary of ten or fifteen rupees is an ordinary matter and I believe the Wazir of Poonch would not have refused it. Now that the demand has been put up in the form of a resolution, I request the House to accept it. With these words I support the resolution and submit that if funds permit provision may be made for it in the current years budget.

LALA SHIV NATH NANDA : He will withdraw his resolution if the Wazir gives a promise.

SUBEDAR KHAN MOHAMMED KHAN : I have tabled an amendment to this resolution.

Sir, Muslims form ninety-six per cent. of the population in Poonch and the number of Muslim students, attending the schools, is on the increase. It is therefore necessary to introduce Arabic for Muslim students along with Hindi for Hindu students in the schools. The Muslims are already backward and it is imperative that they should know Arabic. To teach Arabic it is necessary to have Arabic teachers. I submit, Sir, that the Government shall not have to incur heavy expenditure on it and a very ordinary expenditure will satisfy this necessity of the 96 per cent. population. With these words I commend the amendment to the House and request that the resolution be passed along with the amendment. The Hindus and Muslims of Poonch are like brethren. We wish that there should be a Hindi teacher for the Hindus but the Arabic teacher is also necessary.

MR. M. A. BEG : The amendment stands like this :—

Add the words "and Muslim" after the word "Hindu" and add the words "and Arabic" after the word "Hindi".

The Poonch member has stated clearly that Muslims are in majority in the Illaqa. He has also stated that most of the Muslim students are receiving education in this very school. The figures, supplied to me, show that there are 350 muslim and 50 non-muslim students in the school. My submission is that while appointing a Hindi teacher for these 50 students, some facility may, at least, be provided for the other 350 students as well so that they too may learn Arabic. This, I believe, is not too much to expect from the Government, more so, because the Glancy Commission has made a recommendation for imparting religious instruction and teaching Arabic. The recommendation has been accepted by His Highness the Maharaja Bahadur. My submission is that while making arrangements for a Hindi teacher, some arrangement be made for teaching Arabic to Muslim students as well.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Then you do not object to the main resolution.

MR. M. A. BEG : No.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : As there is no objection to the main resolution, it may be taken as passed. As for the amendment, that also has been supported. If any other member desires to speak, he may do so.

LALA HANS RAJ : Arabic is mostly taught by Ulemas and Mullas and arrangements for it exist in all mosques etc. The arrangements for Hindus are very defective. They do not know even how to say prayers. As Hindi teachers are not available and there are no arrangements for teaching Hindi, it has been found necessary to move this resolution. I would therefore submit, Sir, that if there are arrangements for teaching Arabic, there should be some arrangement for teaching Hindi as well. If a teacher is necessary for teaching Arabic, one should be appointed, but as there is no Hindi teacher there, a Pandit should be appointed for that purpose. I therefore support this resolution.

PANDIT AMAR NATH KAK : So far as the resolution, the amendment and the rules are concerned, I would like to submit that both Arabic and Hindi are important subjects. They should be taught and encouraged. But my submission is that in the curriculum of the Punjab University Sanskrit is an alternative to Arabic and Hindi to Urdu. The curriculum of the Punjab University is being followed in the State. The Education Department cannot go against it and Hindi and Arabic cannot be taught as alternative subjects.

Urdu is already being taught in the Palandari High School and so the question of teaching Arabic as alternative to Hindi does

not arise. If it is intended to accept the amendment, the Government shall then have to make arrangements for teaching Sanskrit as alternative to Arabic.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I want to know whether you are speaking for the amendment or against it. You have proposed no amendment, which you could discuss.

PANDIT AMAR NATH KAK : I submit that Arabic is not alternative to Hindi.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Yes, I have understood you.

PANDIT AMAR NATH KAK : If arrangements are to be made for teaching Arabic in the Palandari High School, separate arrangements shall have to be made for different classes in which Arabic, Persian and Sanskrit can be taught. But Arabic is not taught in Primary Classes and no special importance is attached to it in the Middle Classes. It has nothing to do with the lower classes, but it is a subject for the higher classes. Therefore I submit that the question of teaching Arabic in the Primary Department does not arise. Even in the Middle Department there is no question of teaching it as an alternative subject to Hindi. Arabic is a subject for the high department and even there it is taught as an alternative to Sanskrit and Persian. Therefore the amendment is not admissible.

SHEIKH ABDUL HAMID : I would like to submit something about the amendment. So far as I know, Sir, in all Government schools arrangements exist for teaching not only Sanskrit but Arabic as well. In addition to this there are arrangements for teaching Hindi and no new schools are opened for this purpose. The Palandari High School is not a private institution but has been opened by the Illaqadar of Poonch. This being the case, there is no reason why an Arabic teacher should not be appointed there, when such teachers exist in the schools of the State. It is therefore necessary that one or two or a reasonable number of Arabic teachers be appointed there.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You can enquire from the Wazir of Poonch whether any arrangements exist there for teaching Arabic. There may be some arrangement.

SUBEDAR KHAN MOHAMMED KHAN : There is no arrangement, Sir,

SHEIKH ABDUL HAMID : I believe you.

The member who has put in the amendment is from Poonch. If arrangements for teaching Arabic exist already, the amendment in that case, stands accepted. If such is not the case, then I would submit that an Arabic teacher should be appointed there. Pandit

Sahib has taken Lala Ram Lal's resolution to mean that a Hindi teacher can be appointed against an Urdu teacher. The Lala Sahib does not mean by this the appointment of Hindi teachers. All that he wants is a teacher which shows that he is not going to raise any Hindi-Urdu controversy. My submission, therefore, is that those students who want to read Arabic should be given the same facilities as exist in other schools of the State and an Arabic teacher should be appointed in that school as well. In Poonch there is a majority of Muslim students. It would therefore be reasonable that their wishes and welfare be kept in view and some arrangement made for them. I therefore support this amendment.

LALA SHIV NATH NANDA : Hon'ble President : Some of learned friends have proposed an amendment to the resolution. They wish that arrangements be made for an Arabic teacher along with the Hindi teacher. Pandit Amar Nath Kak has already said that the words of Urdu and Hindi resemble each other. They differ in script only. My learned friend Lala Ram Lal has demanded a Hindi teacher in his resolution. Hindi is a simple language and boys can learn it very easily. Therefore it is necessary to appoint a Hindi teacher in the Palandari School. The Conference Group has asked for the appointment of an Arabic teacher in the school. No demand has been made for a Sanskrit teacher, so that an Arabic teacher can be appointed against him. The difficulty is that while arrangements exist for teaching Urdu, no reasonable arrangement is made for teaching Hindi to students who wish to take up the subject. In his speech on the resolution about Hindi, Moulvi Mohammed Abdullah said in the last session of the Praja Sabha that Hindi and Urdu are the same and that Hindi is a compound of all the languages. He is a very learned man and these are his views about Hindi. When arrangements for teaching Urdu are already provided, this question does not arise. Moulvi Sahib had stated that Hindi is the "lingua franca" of India and it includes all the languages. I am therefore of opinion that there is no need of providing an Arabic teacher in the Palandari School. My learned friend, the leader of the Conference Group, wishes Hindi to make way for Arabic. It has also been stressed that the Glancy Commission has recommended the appointment of Arabic teachers. This is correct and the Government has already spent thousands of rupees and appointed such teachers. Poonch is governed by the Raja of Poonch and the demand for appointing Arabic teachers there is a strong one. In support of the resolution, I submit that a Hindi teacher should be appointed in the Palandari school. But I oppose the amendment. It is quite absurd to raise the question of Arabic while the real question is that of Urdu. If the mover had

proposed the appointment of a Sanskrit teacher, an Arabic teacher might have been appointed and in that case, it would perhaps have been proper to support the amendment.

MIAN AHMED YAR : Hon'ble President : The question is a simple one, but it has been made very complicated. Every community and class, before learning a language, thinks of the effect it shall have on their future. Urdu is the official language and whoever stands in need of service reads it. Different communities have different languages for their religious and social requirements. Arabic is one of them and it acquaints the muslims with their religious culture. In Poonch there is a big community for which it is essential to read Arabic in order to familiarize itself with its culture. It is necessary for the other community to learn Hindi to be able to read its religious books and imbibe its own culture.

I am of opinion that in this age when international institutions have been formed and every section is desirous of preserving its literature and culture, every community has a right to learn a language which shall acquaint it with its religion and culture and in which the required literature may be available.

Urdu is the official language and Hindi a social one. Those of my friends who have spoken against this amendment, are perhaps thinking that Hindi will become the "lingua franca" of India and Urdu will have to make way for Hindi. (Many voices from the Hindu members)

It will surely be so.

All the people of the State except that their beloved Ruler and the Hon'ble Ministers will win the hearts of every community by providing them with every facility in acquiring religious education.

Our demand is a simple one. I do not want to say anything more about it. A reference has been made to Moulvi Abdullah's speech of the last session of the Praja Sabha. If the Moulvi wants to say anything about it, he will do it himself. The demand is being opposed for nothing.

LALA AMAR NATH KOHLI : Hon'ble President : The resolution has assumed such a form that I cannot help speaking a few words about it. Sheikh Sahib has said that Urdu is an official language. I submit that there is no difference between Urdu and Hindi. The only difference is that of script. We do not say that Sanskrit should be taught in place of Urdu. Our demand is about Hindi. Urdu and Hindi differ in alphabets only. In Hindi we have अ आ इ ई for ا ب ا of Urdu. The amendment under discussion which is about arrangement being made for teaching Arabic along with Hindi is not a reasonable one. If the resolution were about Sanskrit, the amendment would have been reasonable. Hindi is mostly taught upto upper middle classes. Arabic and Persian are taught in the higher classes. Arabic,

Sanskrit and Persian are taught in the colleges also. Small boys cannot learn these difficult languages, unless they have read Urdu or Hindi in the beginning. Our objection is that Hindu boys should be so prepared that they may be able to read Sanskrit in the higher classes. If no satisfactory arrangement is made for teaching them Hindi in the elementary classes, they shall not be able to read even the Hindi characters after the middle standard. They shall therefore be compelled to take up Arabic and Persian. In the interest of preservation of its religious culture, each community has necessarily to think of teaching its children the language, which contains that culture. But there arises no question of any change in culture. Books are written in Urdu as well as in Hindi. The subject is the same and the only difference is that of script. A demand for teaching Urdu against Hindi would have been legitimate. I therefore oppose the amendment.

MOULVI MOHAMMED ABDULLAH : The mover of the resolution has proposed the appointment of a Hindi teacher. Some other members, while supporting the resolution have put in an amendment that Arabic should also be taught along with it. I too say that if Hindi be taught there, there should be no objection to the teaching of Arabic as well.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Please speak about the original resolution.

MOULVI MOHAMMED ABDULLAH : I do not oppose the original resolution, Sir, nor has it been opposed by any other member. The resolution about Hindi has already been passed. A Hindi teacher should certainly be appointed but some arrangements should also be made for Arabic along with it. I am at a loss to understand why this matter is being discussed again and again. We have admitted the necessity of a Hindi teacher. Arrangements should be made for one, as has been proposed by the movers. Repeated discussions of the matter manifest a certain mentality. A question has been raised why arrangements should be made for teaching Arabic to muslim boys. If the Wazir has funds and if circumstances permit, arrangements should be made for both. We have no objection to it. The matter is briefly this—that arrangements should be made for both the communities. Nobody has opposed the resolution. It is strange that the amendment, which is about Arabic only, is being opposed. Such speeches have a pernicious effect on mutual relations. The inner feelings are forced out. Hindus cry for Hindi and Muslims for Arabic. These are the pressing necessities of both the communities and should be satisfied. Under these circumstances I support the resolution and submit that some arrangement should be made for muslims as well.

PANDIT RAM CHANDRA DOBEY : I am of opinion that nobody shall disagree with what has been said by Moulvi Mohammed Abdullah. As has been said by Mr. Kak, it is the duty of the Government to make all possible efforts for the expansion of education. I think the Hindus are not against it and will agree that if a Hindi teacher be appointed there, an Arabic teacher should also be appointed.

WAZIR FERAZ CHAND : Sir, before I say anything about the resolution, I would like to submit that the member has made an enquiry about the matter in Q. D. No. 443 which will be replied on due date. In the presence of this question, it was not necessary to move any resolution. But as the resolution has been admitted, it is necessary for me to say for the information of the House that the number of Hindi reading students in Palandari High School is practically nil. The question of appointing a Hindi teacher in that school is therefore premature yet. The Poonch Government is already in correspondence with the Chief Educational Officer about this matter and a report has specially been called for from him. As soon as he reports that the number of Hindi-reading students is (if not sufficient) at least as much as is required by the Rules, a Hindi teacher will be appointed. This being the case, I hope that the member will withdraw the resolution.

I am thankful to the muslim members, who have not lagged behind in this respect. Hindi, Arabic and Gurmukhi are oriental languages. It cannot be gainsaid that just as the Hindu community has a right to demand Hindi teachers for their children, the Muslims and Sikhs have a similar right to demand Arabic and Gurmukhi teachers.

All subjects of the State are equal in the eyes of the Government. The assurance given to the mover of the resolution about the appointment of a Hindi teacher is also meant for the member who has put in the amendment. I hope that this statement will be sufficient for his satisfaction. As soon as the students of this school express a desire for taking up Arabic and their number is enough to justify the appointment of a teacher, an Arabic teacher will be appointed. If the number of such students is not sufficient, still an attempt will be made to appoint as Persian teacher a person who can teach Arabic as well. In any case, the matter will soon be decided by the Chief Educational Officer.

KHAWAJA GHULAM MOHAMMED SADIQ : The Wazir of Poonch says that the number of Muslim students is not sufficient there.

WAZIR FERAZ CHAND : The number of the muslim students is sufficient but that of the Arabic-reading students is not so.

LALA RAM LAL : Sir, while opposing my resolution, the Wazir said that the number of Hindi-reading Hindu students is practically nil there. I would therefore submit for the information of the House that there are more than fifty Hindi-reading students in that school. The Wazir did not state the number of Hindi-reading students in his speech. He simply said that the number was practically nil. The resolution has, all the same, been accepted.

I would like to say something about the amendment and show how difficulties have been created for us. Mian Ahmed Yar said that much importance had been attached to this matter. Sheikh Abdul Hamid said that the matter was an ordinary one. I am surprised to see how these people who are trying for the attainment of a responsible Assembly stand in the way of such trivial matters. We make a petty demand and they oppose it.

A VOICE : Will there be no opposition in a responsible House.

LALA RAM LAL : May I submit, Sir, how these our friends who are demanding "responsible government" and a "responsible legislature" object to such matters. Behind this, I think, is the question of service as well and all this is being done for a twenty rupees post of an Arabic teacher. I would like to inform my learned friends that the finances of the Poonch Jagir do not permit the appointment of Arabic teachers in all schools in addition to Hindi teachers. The Poonch Government will therefore appoint neither a Hindi teacher, nor an Arabic teacher.

MR. M. A. BEG : Point of order, Sir. It has just now been stated that the resolution about Hindi has not been objected to and therefore the mover of that resolution has no right to reply.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I have not allowed him to speak on the amendment but as a member he has a right to speak.

MR. M. A. BEG : After the Government have replied, the motion is wound up and the question is over. Can he speak?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Yes.

LALA RAM LAL : Mr. Kak said that Urdu is alternative to Hindi. It is not Urdu but Persian. This amendment is not therefore relevant or reasonable and I oppose it strongly.

SARDAR KHAN MOHAMMED KHAN : I would only like to submit, Sir, that the mutual relations of Hindus and Muslims are cordial in Poonch. There are no differences among them. It gives me pleasure if facilities are provided for Hindus. But my submission is that some arrangement should be made for muslim students also. An Arabic teacher with a salary of ten or fifteen rupees should be appointed for them as well. 96 per cent. of the

Poonch population is Muslim and 375 students attend the school. Some arrangement should be made for them also.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The resolution is put before the House.

THE HON'BLE MR. WAJAHAT HUSSAIN : The resolution has been accepted by the Poonch administration ; therefore there is no need of putting it before the House now.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The Government accepts the resolution along with the amendment.

THE HON'BLE MR. WAJAHAT HUSSAIN : When finances permit.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Resolution with its amendment is carried.

Second Resolution.—

NOTE.—The Assistant Secretary read out the following resolution of Lala Hans Raj :—

"This Praja Sabha recommends to the Council that all Judicial and Revenue decisions and Laws and Regulations (and other orders of Maharaja Bahadur, the Council and High officers) which are passed in English should be accompanied by their translations".

LALA HANS RAJ : Sir, the resolution is not a new one. Formerly when Persian was in vogue in the State, an objection was raised to it on the ground that there were very few Persian-knowing men in the State. Subsequently Urdu was introduced and every judgment in Persian language began to be translated into Urdu. This practice lasted for about fifty years or so.

No language, which is not commonly understood, should be the Court language. I have fifty years experience at my back and on its strength I submit that the judgments written in English language for the last one or two years were not understood by the parties. They had to go about helplessly in search of somebody who could explain the meaning to them. The prestige of the courts depends on the judgments delivered by them. The parties wish to know whether the judge has taken their statements as true or false and if so with what effect. I think no member of this House will oppose this resolution. The subjects of the State are too simple to understand English. Without any intention to defame anybody, I would submit that even B. A.'s and M. A.'s cannot explain the purport of the judgments.

SHEIKH ABDUL HAMID : You are in fact defaming them.

LALA HANS RAJ : I withdraw these words, if they are unpleasant.

PANDIT LOK NATH : Thanks.

LALA HANS RAJ : I submit that since the time I entered my profession, I have known nobody who does not want to be acquainted with the judgment passed on his case. In addition to

this even the circulars that are published in the Gazette are not understood. Many rules have been framed, but as they are not translated into Urdu, nothing can be made out of them. The Government should see whether the people for whom laws are meant are able to understand them or not. I would request you, Sir, that all laws passed by this House should be translated into Urdu so that we may inform the people, whom we represent, that such and such laws have been passed, that such are the intentions of His Highness or the Council and that they should carry them out, otherwise they will be dealt with in the prescribed manner. I would also submit that 75 per cent. of the teachers, whom the simple people want to explain the meaning of the orders and judgments passed in English are themselves unable to understand anything. The Judges of the High Court use words, which can be translated by very few people. I would therefore request you, Sir, that the resolution should be accepted.

MOULVI MOHAMMED ABDULLA : I support the resolution, Sir, because I myself do not know English.

SARDAR HARI SINGH : I support this resolution, because the court language is Urdu which is also the language for transacting the business of the Praja Sabha. The Urdu translation of many laws passed by the Praja Sabha is not easily available. Therefore I support the resolution.

MIAN AHMED YAR : A part of this resolution has already been accepted by the Government. The procedure so far followed under the Sri Pratap Regulation was that all Regulations framed by the State be published thrice in the Gazette but it was not decided in which language they were to be published. The question was raised again in the form of an amendment and it was decided that the Regulations should be published once in Urdu and once in English. The amendment was accepted by the Government.

Whatever has been said by the Lala is quite correct. He is an experienced man. I would also like to submit that even the orders of the Heads of Departments or the Council are not at all translated into Urdu. Half of the population of the State is not familiar with the English language. The people who are affected by these orders are totally ignorant of them. All laws pertaining to the Forest Department and all their amendments are published in English. The zamindars being illiterate are quite unaware of them. The Revenue Department is chiefly concerned with the zamindars. Therefore I support this resolution.

PANDIT RAM NATH SHARMA : Sir, the resolution moved by Lala Sahib can easily be split up into three parts. It is proposed in the first part that the judgments written by the courts in English language should be translated into Urdu. What is meant is that

every court Civil, Criminal, or Revenue should have Urdu translations appended to the judgments written in English.

The second part is about the Urdu translation of all orders whatever the authority that issues them. It is not known which officers fall within the definition of the term "Head of Department" and which do not.

The third part of the resolution recommends that all laws passed and rules framed by this House should be translated into Urdu.

I will take all the three parts separately. As for the first part the Lala Sahib, who has a vast experience, knows that the orders and judgments of the subordinate courts are generally in Urdu language. There has so far been no complaint about these. As for the judgments passed by the Hon'ble Revenue Minister and the Hon'ble Judges of the High Court, there is a rule by virtue of which Urdu translations of judgments are supplied on application. No complaint has so far been made to the Hon'ble Chief Justice or to any other Hon'ble Judge by any person to the effect that Urdu translation of any judgment passed by that court was not supplied to him on application. The subordinate courts may sometimes pass their judgments in English language, but the rule is that whenever the presiding officer of any court writes a judgment in the English language, he should enclose the Urdu translation with it. I want to invite the attention of the House to para 207 Chapter VI of the Civil Rules.

Whenever the judgment is written in the English language, it must be translated into Urdu. When the translation is not made by the presiding officer, he should always satisfy himself that it is correct.

As the Rules are already there, this part of the resolution—namely that all judgments passed by the courts should be translated into Urdu—is uncalled for.

I hope the Hon'ble President will permit me to continue after lunch.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Yes.

NOTE.—The House adjourned for lunch.

AFTER LUNCH.

PANDIT RAM NATH SHARMA : Sir, I was saying that judgments are generally written by the subordinate courts in the Urdu language. They are of three kinds—Civil, Criminal and Revenue and if ever delivered in the English language have, under rules, to be translated into Urdu. If the existing laws and rules are not being followed in any case, the matter may be brought to the notice of the Hon'ble Chief Justice and thus got set right. A question has been raised that the judgments of the High Court are written in English language and are not translated into

Urdu. As regards this, I would like to submit that there has never been a chance when any person felt any difficulty in procuring an Urdu copy of a judgment on application. It has been clearly laid down in the High Court Rules that all courts should keep the Urdu translation of their judgment on file.

It means that the High Court passes interlocutory orders in Urdu and when final decision is given, a copy of its translation in Urdu is always supplied to the applicant. So far as the first part of the resolution is concerned, rules already exist and Lala Sahib can, in my opinion have no objection in this behalf because the procedure that is being followed is quite correct. We now come to the judgments passed by the Hon'ble Revenue Minister about which I would like to submit that they are always translated into Urdu. All work is transacted in Urdu in the Revenue Department. There is seldom an occasion when an order is passed in English or any work transacted in that language. The second part of the resolution is indefinite. It says that all orders passed in English whatever the issuing authority should be translated into Urdu. I am of opinion that if this suggestion be accepted it shall be difficult, if not impossible, to carry it out. Official programmes are issued in English language by the Hon'ble Minister-in-Waiting. In this case he shall also have to issue the Urdu translation of the programmes. Similarly if the Inspector General of Police dismisses or suspend any Sub-Inspector, he too shall have to attach a copy of the Urdu translation to the order. So if the second part of the resolution be accepted many difficulties will crop up in the way of the Government. The acceptance of the suggestion would necessitate the opening of an "Urdu Office" like the English one, for the translation of the orders with which the public has no direct concern. The demand is therefore indefinite and the Government shall have a great difficulty in accepting it. The Government has every sympathy with the first part of the resolution but no action is possible with respect to the second part of it.

As for the third part, Mian Ahmed Yar has explained it fully. The Sri Partap Laws Consolidation Regulation has been amended and according to it all Rules and orders having the force of law are published in English as well as in Urdu. The members of the Praja Sabha will see that whenever any law is published in English in the Government Gazette, (a copy of which is supplied to every one of them) the Urdu translation is also published along with it. Provisions already exist regarding the third part and we fail to understand what the Lala Sahib wants. He said that office work was at first transacted in Persian language but the court language is Urdu now. I think Urdu is a better language and hope that Lala Sahib will agree with me. Government is in full

sympathy with the resolution of Lala Sahib. Orders already exist regarding the first part of it. Perhaps no further orders are needed. The second part is indefinite and so long as the language of the resolution is not corrected, nothing can be done. As for the third part, all laws published in English are translated into Urdu as well. So long as the resolution is not corrected, it is not possible to accept it. I would request Lala Sahib to withdraw his resolution, because orders already exist regarding the two parts and the Government shall have a great difficulty in accepting the third part.

NOTE.—At this stage Sardar Hari Singh stood up in his place and wanted to say something when Pandit Gobiad Ram Kaboo raised a point of order that the Sardar could not speak again as he had already spoken and supported the resolution.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : (Addressing Sardar Hari Singh) You have already spoken once.

SARDAR HARI SINGH : Sir, I have only to state one fact. Three years ago, I applied for the Urdu translation of the Mulberry Regulation, and it has not been supplied to me so far.

LALA HANS RAJ : I have found that my resolution has not been opposed by any member of the House. I have only to reply to what has been said by Pandit Ram Nath Sharma on behalf of the Government. I do not want to make a lengthy speech or use harsh language for which I am so notorious, but if I do not say anything now, when will I do so. (Laughter)

Pandit Sahib said that circulars have already been issued in this behalf. These circulars were issued when I was in service but they have not been followed for the last so many years. It is one month now that I have become a member of this House and it is hardly three weeks that I have been getting the State Gazette. I do not find any translations in it. I want to say openly that the orders are not being followed. Pandit Sahib said that the circulars are being followed by the courts but he can enquire from the Vakils who are sitting here next to me how much difficulty is experienced by them.

PANDIT LOK NATH SHARMA : We have no difficulty.

LALA HANS RAJ : I have got an instance here. (Addressing Major Atta Mohammed Khan) Major Sahib : Where is that man?

LALA HANS RAJ : I side the case of this man who has seven translations with him but no two of them tally. He has not so far been able to get the correct translation. In the meantime his case has been time-barred.

دو غ گویم ہر دوے تو

"I am speaking a lie in your face".
I feel for the subjects though it would be foolish for me to say so myself. People are restless. They are in great trouble. If

you find time, Sir, you may go to the market and see how many typists are there to type out the applications of the people who are asked to submit them in English. I do not intend to create difficulties for the Government. I am a well wisher of the people and as such a well wisher of the Government. (Cheers from non-official benches)

شنیدم کہ بر وقت زرع روان
بہرمز چنیں گفت نوشیروان
کہ خاطر نکہدار دروہش باہر
نہ در بند آسائیش خوہش باش
رعیت چو بیخ است و سلطان درخت
درخت اے پسر باشد از بیخ سخت

"I have heard that at his last gasps Hurmuz said to Nawshirwan "try to please others. Be a Dervesh and not a slave to your own wishes. The subjects are the roots and the king is the tree. O son : the tree to be strong should have strong roots".

Sir, I would like to submit that we have come here to bring the grievances of the public to the notice of the Government. I am not a hireling nor would I like to be one. I have undergone a loss by coming here and have suffered because of having spoken the truth but I know it full well that the sayings of wise men are never wrong. Sadi has said :—

سعدیا راست روان کوئے سعادت روند

راستی گن کہ بمنزل نرسد کج رفتار

"O Sadi : Those who tread on the right path attain happiness. Do right, for no one who deviates from the right path reaches the destination".

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Lala Sahib : The language of the Praja Sabha is Urdu. (Laughter)

LALA HANS RAJ : No doubt, it is so, but not in practice. My resolution should therefore be accepted.

We all have a destination in view, towards which we are proceeding. People who have gone before us are continuing their journey according to their previous deeds. You have before you the instance of Sir Barjor Dalal, who was with us last year but is now journeying towards his destination according to his deeds. People here do not follow this principle but I am of opinion that they will take nothing except their good or bad deeds with them when they will leave this world. People who earn money in this State and stand at the helm of affairs should give honest and sincere opinion to the Government and say what is useful and what is harmful. Genuine advice will benefit the Government as well

as the public. It is the best thing.

درد دل کس کو کہیں کس کو میرا درد ہے

ہوں وہ حرف درد جو پہلو سے پہلو درد ہے

“Whom should I tell my tale of woe?

Who feels for me? I am an embodiment of woe”.

Many people have come to hear my lecture today. They fear lest I should lose control over myself while speaking the truth. I am not adept in speaking. How can I venture to utter anything improper in the presence of the personalities who sit here?

However, my intention is that not a single word that comes from the Government should remain untranslated.

One day I had a talk with the Hon'ble Revenue Minister. Having given me some satisfaction, he told me that I was some times talking of Akhnoor and sometimes of Kandi; that he had in his mind all the things he observed which could not go unnoticed.

It was our keen desire to see the day when we would have our own “Parliament”. The desire used to be expressed through various Sabhas, especially the Dogra Sabha of which the foundation has been laid by me. God fulfilled our desire and we have a “Parliament” today. We hope that the “Parliament” will do justice to us because if even this fails to do so, we shall have no other resort.

In the year 1930 I happened to have an interview with the Cabinet. Of the members of that Cabinet, General Janak Singh and Thakur Kartar Singh are here. Mr. Wakefield alone is not here. I submitted to the Cabinet that the condition of the subjects was very bad. I told them that ninety-five per cent. of the Hindus and Muslims were in misery and requested them to make a tour of the State, inquire into the condition of the people and rid them of misery.

SHEIKH ABDUL HAMID : Should “Dukhon” be translated?

LALA HANS RAJ : Yes, certainly. I submit, Sir that this is being done to mislead the people and throw dust into their eyes. Every law should be clearly put before the public. We do not understand the law at present, we can say that it is not meant for us. My demand is that all Government orders and His Highness' Notifications should be translated and published so that the Government may be popular.

I will close my speech with one or two words more. Mr. Sharma has summed up his speech eloquently. I thank him for that. He has done his duty quite satisfactorily, but I do not agree with him. I can safely say that nobody in this House agrees

with him. My resolution is very reasonable and should therefore be accepted. We pray to God that this resolution be passed. Bowing to the chair I now resume my seat.

THE HON'BLE MR. WAJAHAT HUSSAIN : Sir, it has been clearly stated in reply to Lala Hans Raj's speech that orders already exist as to which orders should be translated and which should not. If the resolution is accepted in its present form, we shall be confronted with many difficulties.

As regards the Civil and Magisterial Courts, orders have already been issued by the High Court that if a subordinate court passes a judgment in English, it should be translated into Urdu. It has been stated that the order is not being complied with. That is a different matter. But orders do exist that judgments in English should have the Urdu translation attached to them.

The second question is of orders which are issued from the offices. For instance I issue various orders about various matters from my office. Some are appointed, others are transferred and besides this other directions are issued. If Lala Sahib intends that all these orders should be translated into Urdu that will mean a good deal of labour and difficulty.

SHEIKH ABDUL HAMID : Lala Sahib wants those orders to be translated which are fit for publication.

LALA AMAR NATH KOHLI : Orders which affect the public generally, should be translated.

THE HON'BLE MR. WAJAHAT HUSSAIN : Even that is difficult. If one order is translated and another is not (the one being of public interest and other not so) people will say that the order which has not been translated was very important from the public point of view and will complain why it was not translated.

The third question is about laws. All laws that are now enacted are placed before the Praja Sabha and are translated at every stage. A bill is translated at the stage of introduction as well as at the time when it is before the Select Committee, the report of which is also translated. The translation of the bill has to be published in the Government Gazette. Rules etc. have also to be translated.

The Government have no objection in accepting this resolution provided that.....

MIAN AHMED YAR : All rules are not translated.

THE HON'BLE MR. WAJAHAT HUSSAIN : All rules will be translated.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Rules are translated but orders are not.

THE HON'BLE MR. WAJAHAT HUSSAIN : Orders will also be translated in future. All orders issued by the courts will be translated into Urdu and the translation kept on file. Laws and Rules

will necessarily be translated.

If Lala Sahib is satisfied, I would request him to withdraw the third part of the resolution, I mean the words "and the other orders of the Maharaja Bahadur, the Council and the High Officers". The Government will then have no objection in accepting the resolution.

LALA HANS RAJ : I am very glad that the Government has accepted two parts of my resolution. But it is not willing to accept the third part, which is the essence of this resolution. My object was that the orders of His Highness the Maharaja Bahadur as well as those of the Council to all of which we pay reverence should be translated into Urdu. Every subject of the State wishes to know the order of His Highness and the Council. They wait for these orders. My friends who are sitting in this House know how the people enquire "what orders have been issued by His Highness today"? If the orders were translated into Urdu, they would know what His Highness and the Council is doing for them.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It seems that you do not agree to the amendment.

LALA HANS RAJ : I hope whatever you decide will be best.

THE HON'BLE MR. WAJAHAT HUSSAIN : Well do you agree?

LALA HANS RAJ : Yes please.

THE HON'BLE MR. WAJAHAT HUSSAIN : The Government accepts the resolution with the amendment.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I shall take the permission of the House whether the resolution is acceptable as amended.

The question before the House is whether this resolution (with the amendment moved by the Hon'ble Home Minister and agreed to by Lala Hans Raj) which has been accepted by the Government should be taken as passed. Has any member any objection?

KHAWAJA GHULAM MOHAMMED SADIQ : Is any member of this House competent to make amendments, under rules, at this stage.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Technically you are right. You can not always find rule for everything.

A VOICE : There is rule "with the permission of the House".

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The resolution has been moved by a member (Lala Hans Raj) and the Government has accepted it with a certain amendment. The mover is prepared to accept the Government assurance and withdraw the resolution. Now the question is whether the House is prepared to accept it.

Gentlemen who are in favour of the resolution which has been accepted on the part of the Government subject to certain amendments will please raise their hands.

(Hands were raised)

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I take that every body is in favour, and the resolution is passed in the amended form.

Next Resolution—

NOTE.—The Assistant Secretary read out the following resolution to be moved by Sheikh Mohammed Amin :—

“ This Praja Sabha recommends to the Council that a Commission be set up to inquire into the extent of unemployment with reference to the figures of the unemployed and a permanent Economic Board consisting of official and non-official members be appointed to suggest ways for the relief of economic distress and unemployment, and for the improvement of trade, industries and agriculture.”

SHEIKH MOHAMMED AMIN : Sir, my learned friend, Mr. Beg, has moved an amendment to this resolution. To economize the time of the House I would submit that I accept the amendment and would confine my speech to the remaining part of the resolution. The amended resolution reads as :—

“ This Praja Sabha recommends to the Council that a permanent Economic Board consisting of official and non-official members be appointed to suggest ways for the relief of economic distress and unemployment and for the improvement of trade, industries and agriculture”.

In this connection I would like to submit that every body is aware of the economic depression and unemployment prevailing in the State. It goes without saying that a resolution regarding the appointment of an Unemployment Commission was passed in the last session of the Praja Sabha and the commission was appointed. But it cannot solve the problem which we intend to solve. The present condition of the zamindar is not unknown to anybody. He has no money to pay the land-revenue and nothing to eat. His debts have accumulated so much that he cannot liquidate them under the present circumstances, unless some means be adopted to provide him with facilities. The intention is to ascertain his real condition and find the volume of his debt.

Let us take the labourers, Sir. These poor people leave their native land for six months and go to the Punjab and other places simply because they don't find a living in their own home and there they wander from one place to another. It is essential that the Economic Board should duly consider all the circumstances of these labourers and suggest means for the amelioration of their condition.

The number of the educated unemployed is on the increase.

Many of the Hon'ble Members will agree with me when I say that if no heed is paid to this problem, the condition will become still worse.

The condition of trade is worse in this State. The depression is at its worst in this field. I submit, Sir, that the money spent on the Unemployment Commission will be wasted if there is not an Economic Board to invite the attention of the Government to the proposals of the commission as also to submit its own proposals after ascertaining the condition of every community. The Unemployment Committee is nothing more than an ordinary committee and it cannot say what is necessary for improving the condition of the State. In this connection I would like to submit that Unemployment Committees were appointed many times in British India. Such committees were formed in all the provinces time and again. The question was raised first of all in the year 1922 in the Bengal Province by Mr. Radha Charan M. L. C. It was not let alone there. Mr. Rama Suri raised it again in 1926 in the Indian Assembly and asked for the appointment of Unemployment Committees to collect figures regarding unemployment in India. The Committee consisted of official and non-official members. Even this was not considered sufficient. The Council of State also passed a resolution in 1928. A Committee was appointed in U. P. under the presidency of Sir Tej Bahadur Sapru. A study of the report shows that it is necessary to constitute an authoritative Committee. It was in view of this fact that I submitted this resolution. Unemployment is increasing in the State. An Economic Board should therefore be appointed for the betterment of the people. The Board should have non-official members on it. It should collect figures regarding the number of the educated unemployed and suggest means to the Government for providing them with employment. It should also consider how to keep the labourers employed; should hold an inquiry into agricultural indebtedness and suggest ways for increasing the productivity with a view to improve the condition of the zamindars. We have already some laws about it. They avail but little. To take an instance, customs duty on agricultural implements has been remitted. But there are provisions which nullify the benefit of this concession. A certificate has to be obtained from the Director of Agriculture for import of agricultural implements and if a person desires to importing implements with two or three hundred rupees, he has to deposit twenty per cent. of the value with the Government. The poor zamindars cannot afford to make the deposit. The Government could know all this through the Board and not through departmental machinery.

Sir, the progress of Germany and Japan is due to the establishment of such Boards. We don't find anybody devoid of edu-

cation in these countries.

The zamindars of the State are poor and illiterate. If a Board be constituted, it will persuade them to take to education and will also make recommendations for the expansion of education. The industries of the State will flourish through the efforts of the Board. The Rules, now in force in the State do not help industrial progress.

Sir, many things are manufactured in the State but their manufacture is not encouraged. We have, for instance, a phenyl factory here. But phenyl is not purchased from this factory here. It is imported from outside. Similarly we find, in case of furniture, that only a small amount is spent in the State. The major portion is imported from outside. Similarly we have many other commodities but the State Departments do not co-operate. It is therefore essential to have a Board to invite the attention of the Government to all these matters.

As stated by Mr. Nanda, the Government has spent four lakhs of rupees on industries during five years. My submission is that Kashmir is a State which needs much more for industries.

In the advanced States we find, Sir, that huge amounts are spent on industries. In our State the expenditure does not exceed seventy or eighty thousand rupees per annum. Even the Mysore State which is already advanced in industries, spends four lakhs annually on Industries. Forty thousand rupees are spent there on experiments against five hundred rupees in this State. It is necessary to provide a sufficient amount of money under this head. It can only be done through the Board and the condition of the State can also be improved. The Hyderabad State has provided Rs. 3,79,700 for industries in this year's budget. Travancore spends seven lakhs of rupees annually. What is the expenditure of this State? Just compare it? It is seventy or eighty thousand rupees a year. Nothing can be done unless the attention of the Government is drawn to this matter through a Board. The industries of the State can never flourish with the present expenditure. There is nothing new in my resolution. Such Boards do exist in advanced States. All the important provinces have established Economic Boards and Industrial Committees. In the Baroda State the Board is called a Development Board. It holds two or three meetings every year and considers all such matters with a view to improve the condition of the public. It has done a lot of work. Even in the Punjab we have such a board in spite of the existence of many other boards.

I will take the foreign countries now and State what reasons led to the progress of these countries. How did United Kingdom and Germany advance so much in trade and how did these countries take the world trade in their own hands? A Development

Committee was formed in Great Britain in the year 1909. £ 45,00,000 were provided for its expenditure. The board had two paid and six unpaid members or commissioners on it and each of them was appointed for a period of eight years. It collected statistics and submitted proposals to the Government. In the year 1934 an Imperial Economic Committee was constituted in the United Kingdom at the instance of Imperial Conference. The announcement was made by Mr. Baldwin. An amount of £ 10,00,000 was provided for the Committee and the first problem that it tackled related to fruit and meat trade. I think the Government will be committing a blunder and will repent if it does not recognize the necessity of constituting a board on the ground that a Committee has already been formed in the State. Even the Sapru Committee has stated in its report that such committees and boards are a necessity. The Government should not hesitate in appointing such a Committee with public representatives on it, as suggested in my resolution. The public representatives are prepared to do this work without any remuneration.

The Government would, possibly not have felt any difficulty in accepting this resolution, if I had not incorporated the words "Non-official members" in it. As it is the public representatives who are acquainted with the condition of traders, I have therefore asked in my resolutions that they should also be included. The official members will also have some facility in the work. The Board will no doubt be a semi-official body but will prove better than a body which is merely official.

I would therefore request the House to support me and to pass this resolution. It goes without saying that the resolution will prove very advantageous.

MIAN AHMED YAR : Sir, I find it necessary to state the importance of this resolution, because it has been moved by a representative of the subjects of the State. As for the resolution...

MR. M. A. BEG : Rule 98 of the Rules of Business and Procedure lays down that "when an amendment to a resolution is moved or when two or more such amendments are moved, the President shall, before taking the sense of the Assembly thereon, state or read to the Assembly the terms of the original motion and of the amendment or amendments proposed". My idea is that the amendment should be seconded because if nobody seconds resolution, it will also be considered as rejected.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I am told by my Secretary that there is a ruling of the late President that it should be seconded. I shall try to find out the ruling and even if there is no such ruling, I am prepared to rule that it should be formally seconded.

MIAN AHMED YAR : I submit, Sir, that this resolution will

be advantageous for the Government also. On 5th February 1935, Dr. Temple issued a statement in Times, London in which he enumerated the evils of unemployment. Other philosophers are also of the opinion that :—

پراگندہ روزی پراگندہ ذل

“An unsettled life means an unsettled mind”, because unemployment kills all the “skill” or virtue in a man, with which Nature has endowed him and causes demoralization. A second stage sets in and the man becomes a dangerous citizen. He is so degraded that he begins to be hated alike at home and abroad. The responsibility for his demoralization falls on those who are responsible for improving his social and political condition. It is the duty of the Central Body, be it a dictatorship, democracy or any other form of Government. If this body fails to pay attention to the welfare of these people a person who makes a proposal like the present one deserves to be thanked. It may be stated on behalf of the Government that as they have set up an Unemployment Enquiry Commission, the resolution is premature. But we have to see what the Commission has done so far and whether it can fulfil the objects of this resolution, which have been stated by the learned mover and which will perhaps be further explained by other members also. In my opinion the Commission cannot fulfil these objects. The result will be that unemployment will increase in the State and will lead to grave consequences. The Commission has only issued a questionnaire so far and has hardly received the replies to it. No judge can arrive at any conclusion in a case, unless he considers all the facts. In view of the changing conditions, I submit that if the Government fails to pay special attention to the problem of unemployment its solution will become impossible. The Commission has not so far taken any effective step and I believe it cannot do so. Sheikh Mohammed Amin’s resolution proposing the appointment of an Economic Board to remove economic depression from the country and with it the existing poverty which is due to commercial and industrial slump, is very reasonable. We have to consider three facts in this connection—unemployment among traders, agricultural slump and economic depression.

Unemployment among traders is also responsible for poverty, because, being intermediaries between consumers and producers, if they fail to function successfully, the result will be social disorder.

The same is the case with the Industries. Government has provided no means for the satisfaction of this necessity. Kashmir was known for its industries all over the world. Shawl trade

was conducted on so large a scale that it fetched an income of lakhs of rupees to the country. The proposed Board will consider the effect of Customs duty on trade and advise the Government accordingly. The Government cannot do it single-handed because no problem can be solved unless we adopt proper means for it. A Board, if established, will meet the needs felt for removing economic depression from the country. It will make suggestions about works of public utility, will see where roads, bridges and canals are needed and ascertain how far these will help in removing unemployment.

The same is the case with Agricultural Unemployment. Government is taking no steps in this direction. Reclaimable areas have been included within "Khalsa" land and thus no scope is left for the zamindars to augment his means of livelihood.

He finds the produce of his land insufficient to maintain him. As there is some awakening among the zamindars now, they have realized that by constituting this Praja Sabha, their beloved ruler, has associated them in legislation and the administration of the State. They find that His Highness has conferred a right upon them and keep on watching what this Assembly is doing for them. They are no longer dumb driven cattle and feel that the Assembly will be instrumental in removing their unemployment to some extent. If their condition is improved, Government will also benefit.

It is stated that Mr. Barkar was called here and he made some suggestions regarding sheep-breeding. But what good accrued from his visit? Some other gentlemen toured the State with a view to make some recommendation about education. But the country cannot be benefited unless there is a standing committee for this purpose. Even the Glancy Commission Report is being ignored now. Other temporary Commissions and resolutions are also treated in the same way. To keep the country on the path of prosperity, it is highly essential to adopt some special means. There are lakhs of people in the State who in spite of working very hard, live in abject poverty. So long as this problem is not handled properly, it is impossible to find any change for the better. It is therefore necessary to form a permanent board.

The extent of poverty in the State can be judged from the fact that the people have nothing even to cover their bodies. Several females, living in a house, have but one "Chaddar". When any one of them goes out, she puts it on and the rest have to cover themselves with grass. How shameful : And this is what I have seen with my own eyes. The condition of the people is so poor that they get food for hardly two months in a year. For the remaining months, they live on vegetable, grass, etc., go about begging or starve. Several children and old men die of

starvation. The State has numerous resources, which could help to remove this unemployment but they are not being utilized. An Economic Board is the only body which will tour about in the State, study conditions and submit its recommendations to the Government. If the recommendations are carried out, the people will cease to live like dumb driven cattle and will begin to live like civilized men. The urgent need of the hour is that the people should have enough to eat and cover their bodies.

With these words I close my speech, because I am afraid lest this important resolution should be talked out, if I take more time. (Cheers)

PANDIT AMAR NATH KAK : On a motion of this Praja Sabha, an Unemployment Commission was appointed in the last session and I was taken as one of its non-official members. As stated by my learned friend Mian Ahmed Yar the Commission has only issued a questionnaire so far. It is still thinking whether it should record evidence or not. But I submit, Sir, that it does not in any way affect this resolution. This is a very important resolution and has no reference to the Unemployment Commission. The scope of enquiry of Commission does not cover it. I know that even if the existing Unemployment Commission completed its enquiry and submits its report, the report will meet with no better fate than of the other Unemployment Commissions that were appointed in British India. A report was prepared and submitted to the Assembly which decided that an Education Commission should be appointed. Subsequently an Industrial Commission was appointed. Thus they found much material to sidetrack the people. I would therefore like to submit that it is not correct to presume that an Economic Board is not necessary, when a Commission has already been appointed. On its own merits I want to show why such a Board is necessary.

Being an inhabitant of Kashmir. I will state the condition of the agriculturist of that province as I know it from my own experience. I am more acquainted with that province. I know that the agriculturists there are engaged in cultivation for four or five months in a year; the implements used by them are the same as were used centuries ago and this is so in spite of the existence of Revenue and Agriculture Departments. There has been no improvement in these implements. The little improvement, if there is any, is not substantial. The condition of manure is the same as that of implements.

Whenever I have an occasion to go to the Puniab in Civil vacations in the month of January. I find my poor compatriots, who work there as labourers, going about in rags in the bazars. Their condition is too miserable to be described. They have to wander about there, because they do not find anything to main-

tain them here throughout the year. They can hardly maintain themselves and their family by their primitive methods of Agriculture. Agriculture cannot be remunerative here, unless it is protected by the Government.

The question of educated unemployment is to be considered along with it. I have no statistics with me here to show its volume, but I can assure you, Sir, that it is very great. It is wrong to think that it is confined to Hindus only. So far as Kashmir is concerned, we find educated unemployment among Hindus as well as Muslims. There are many Muslim Matriculates out of employment. I know my community fully well. There are about three thousand persons, from Matriculates to M. A's out of employment in this community. From the little experience I have of Jammu, I can say that there are many highly educated persons in that province also who have no employment. Their condition has reached such a stage, that if a B. A., LL. B. gets a post of fifty rupees, he considers it a boon, and even if it is temporary, he jumps at it. This shows that educated unemployment has reached the extreme limit.

The condition of uneducated unemployment is still worse. The main cause is that the Agriculture, Industries and Revenue Departments which have existed in the State for a long time have done no substantial work, though there are sufficient natural resources in the country. In the earlier sessions of the Praja Sabha, it was stressed that as there are many natural resources and mines in the State, attention should be paid to its industrial development. In spite of this the Industrial Department has existed here in name only. Effective steps should be taken to industrialize the country. Though our country is so fertile, yet we find the cultivators unable to maintain themselves throughout the year by their primitive methods of agriculture and the educated young men knocking about in search of food. To say that a department is already in existence, and there should therefore be no anxiety, cannot satisfy us. It is stated that in Kashmir trade depends upon the visitors and facilities have been provided for them with the result that the number of visitors has increased during the last few years. But the trade of Kashmir does not depend upon visitors alone. Even if we suppose it to be so has our Government taken any steps like those taken by the Swiss Government to attract visitors, because so far as natural scenery is concerned, Kashmir is in no way inferior to Switzerland? But visitors have not got the same facilities here as they have in that country. The number of visitors cannot be increased by ordinary advertisements. The increase in their number during the previous years was not due to any special efforts. Has any scheme been submitted to the Government, with a view to try to increase the number of visitors? Has the Govern-

ment taken any special steps to provide facilities to the visitors?

Trade cannot develop without protection and encouragement. Sometimes it is thought that trade, being a public concern, should be developed by the people. Similarly it is also believed that it is the duty of the people to improve their industrial and agricultural implements. Modern economics refutes these arguments. It is an admitted fact that there can be no industrial development in the State, so long as the Government does not change its Tariff policy in the interests of mass production. It is the duty of the Government to do so. All these things necessitate a definite policy, but the Government can have no permanent policy, so long as there is not a permanent Economic Board. It is stated that Boards have already been formed but a permanent Board is needed to run them, to regularize their activities and to change them now and then in accordance with the requirements of the time. The Board will submit proposals to the Government and will be of help to it.

Sheikh Mohammed Amin has said in his speech that such Boards *i. e.* Economic Boards, have already been established in other States. I fail to understand why our Government hesitates in doing so. The establishment of such a Board would mean no insult to the Government, nor is there any danger of its being inefficient. It will, on the other hand, be very helpful to the Government.

I hope that the Government will give a practical shape to this resolution, in which a recommendation has been made for the appointment of a permanent Board of official and non-official members. Otherwise it is no use for us to cry if all our demands evaporate in official red-tapism.

With these words, I support the resolution.

PANDIT RAM CHANDRA DOBEY : Sir, I understand that the Government has recently established an Industrial Board. Such Boards can prove of great use in these days. But the fact is that so long as there is no Economic Board of a permanent nature, it cannot do any good. An Industrial Board cannot deal with agricultural matters. Suppose an Industrial Board is formed it will help in industrial developments only, and agriculture will go uncared for. A separate Board shall therefore have to be established for agriculture. Under these circumstances, there should be no hesitation in establishing an Economic Board. We stand in need of industrial as well as agricultural development. An Economic Board alone will solve the commercial and agricultural difficulties.

THE HON'BLE MR. WAJAHAT HUSSAIN : I think before the other members express their views on this resolution, the Government should give some reply. It will, as a right of reply, state its intention afterwards.

On reading the resolution, I found that it recommended the establishment of an Economic Board. The few members, who spoke first, made a mention of the Board in their speeches, but the others did not name it at all. The Board has not been defined, its functions have not been stated nor is it known how it is to run.

MIRZA MOHAMMED AFZAL BEG : I think Mr. Kak has referred to that.

THE HON'BLE MR. WAJAHAT HUSSAIN : Pandit Amar Nath Kak spoke after this. He is sitting next to me and I can hear him all right. He spoke mostly about unemployment. He said that unemployment was increasing in the State every day and that it would be removed if an Economic Board were established.

My friend, Pandit Ram Chandra Dobey, spoke next and said that the Government might say that there is a Board of Industries in the State; but it cannot deal with agricultural matters. This statement has surprized me. All the members of the Praja Sabha know that the Board of Industries was established under the Aid to Industries Regulation.

PANDIT AMAR NATH KAK : It is not so.

THE HON'BLE MR. WAJAHAT HUSSAIN : If my friend will kindly read the Regulation again, he will see whether it is correct or not. Perhaps there is nothing like it anywhere in the World. The Hon'ble Revenue Minister has stated that its scope is wide enough to cover every matter. Mr. Dobey has said that it does not include agricultural matters. Perhaps he does not know that a Board of Agriculture is going to be constituted and it has been proposed that four members should be nominated. Therefore a Board of Agriculture also exists. In the presence of these Boards, I fail to understand the purpose of an Economic Board. I too have some education and I believe that it is a matter of academical interest. The Punjab Government had also formed a Board. It conducted its inquiry just as the Banking Enquiry Committee of India, is perhaps doing at present to find out how many inhabitants of a village are employed and how many are out of employment. The Government then considered these recommendations.

The Unemployment Committee of our State will submit proposals to the Government and suggest means for removing unemployment. It will state what means should be adopted for raising the price of certain commodities. If this resolution has been moved with a view to form a Board to supervise the Government and to see whether all proposals are carried out, if that is really the intention, I am afraid it is not right.

Secondly I would submit that the members of the Muslim Conference Party should not say that the Unemployment Commission has done nothing. This Commission, Sir, was ap-

pointed last year. My friend Mr. Mohammed Afzal Beg was taken as a member. He co-operated with us and helped us a good deal. Some political considerations afterwards led to his resignation. Subsequently the Government nominated Mian Ahmed Yar, the leader of the Party, as a member and we hope that he will prove of great help.

Pandit Amar Nath Kak is also a member of the Commission. He may propose that an Economic Board should be formed in the State. When the report is drafted, the proposal will be incorporated in it and submitted to the Government.

Sir, the resolution for the appointment of an Unemployment Commission was also moved in this very House. The Government took the resolution into consideration and realized that there is unemployment in the State. Means to remove which cannot be found by the Government officials alone, but can be better suggested by persons living in this State and more acquainted with its conditions. A Commission was therefore appointed. The report has not been drafted as yet, and my friends who are the members of this Commission, anticipate that the Commission can do nothing. The other statements that I have heard in this connection in this House, are not new to me. We, three Ministers, have been hearing this for the last three years. We are fortunate to have learnt much here.

It is true that unemployment is increasing but to say that the Government has done nothing is, I humbly submit, unfair.

My friend, Pandit Amar Nath Kak, said that we have not turned Kashmir into Switzerland. Only if we were Gods : we would have turned it into Switzerland, even Paradise. But alas : it is beyond our power.

The number of visitors in the State is on the increase. The increase is due to the efficiency and efforts of Pandit Sham Sunder Lal Dhar, the Director. I came here as a visitor in 1930 and it was my good fortune to come here in an official capacity in 1932. I do not know the number of visitors in 1930, but in 1932 it was 8,000 and last year it was 23,000. The House can judge for itself the increase in the number of visitors. This is the result of the efforts of the Visitors Bureau set up by the Government.

Sir, the Government cannot accept this resolution. The House should wait for the report of the Unemployment Committee and see what results from it.

Secondly I would submit that the speeches of my friends show that the Economic Board is intended to do what such Boards have done in India. I submit, Sir, that it is not the duty of the Board to submit proposals. Sheikh Mohammed Amin said that there is no Boards in the State and if a Board is constituted, all problems will be

solved. I submit that we can do much in a calm and quiet way while there will be nothing but talk in the Board. I can say from my experience that there will be talk only in the Board. We should work independently. I challenge the House to name any proposal by anybody which was rejected by the Government. If the Government has ever done so, the House can certainly blame it for that. We do not claim that all of our officers are very efficient. But we have all along tried for the betterment of the State and shall continue to do so.

SARDAR KANHAYA SINGH : Sir, in his speech the Hon'ble Home Minister has tried to console us; but we know it fully from our experience that he pleases every body with his eloquent speeches, which do not, in any way, mitigate the grievances for which we clamour. However much we may tell a hungry man that "*Pulaw*" and other dishes are ready for him, it will avail him little so long as he does not get a morsel to eat.

A VOICE : Do you want "*Pullaw*"?

MAJOR GENERAL RAO BAHADUR THAKUR JANAK SINGH JI : No, he wants "*Karah-prashad*".

SARDAR KANHAYA SINGH : I submit, Sir, that recently the Government appointed an Unemployment Commission, after we raised a hue and cry for it. We were convinced that it would benefit the country a great deal and remove our grievances. But Mr. Beg and Pandit Amar Nath Kak have told us plainly in this House that the Commission can do no good. It will not do away with the economic depression prevailing in the country. Experience has taught us that the Government does not act upon what it says. Panchayat system was recently introduced in this State. An officer was imported for this purpose from the Punjab where the system was already in vogue. It was hoped that the officer would be an experienced man and his efforts would bring much good to the country. Even this availed but little. Eight thousand rupees have been provided in the budget for Panchayats and practically the whole amount is spent on the pay of the establishment and other office expenses.

Similarly we have an agricultural department, which has been working for a long time. I am myself concerned with agriculture. In spite of the fact that the department has been working for so long a time, the peasants use the same ploughs and sow the same seed. The result is that the agricultural produce is decreasing immensely; the peasants have to work as labourers in the Punjab for six months in a year, and try to earn money to pay the land-revenue and meet other expenses. They have to work hard there and get very little wages. My friends who visit Punjab or have lived there are fully aware of it. The Government never thought

of starting any industry in the State which would enable these people to work hard at home and earn a livelihood even though our country resembles Europe. Similarly the Department of Agriculture has done nothing.

Kagan is close to Muzaffarabad. The Punjab Government imported some sheep of Australian breed whose wool is costly and beautiful. The sheep were very strong. Kagan is only at a distance of ten miles from the boundaries of this State.

PANDIT LOK NATH SHARMA : Have you a complaint against the Panchayat Officer or the Government?

SARDAR KANHAYA SINGH : I have given up that matter. I only want to submit that the present system is not satisfactory.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I am afraid out of 200 resolutions we shall not be hearing more than 15 in this way.

SARDAR KANHAYA SINGH : I have only a few words more to say and I will close my speech.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Yes, but the resolution will be talked out in that way.

SARDAR KANHAYA SINGH : I submit, Sir, that the constitution of the Board will remove many difficulties. The Government should therefore form the Board. With these words I support the resolution.

PANDIT LOK NATH SHARMA : No individual would like that his country should not be prosperous. He should see that there is no poverty in the country and that he as well as his companions are properly fed. I submit, Sir, that keeping this principle in view, it is the duty of every man to find means which would supply bread to all. It was, with this principle in view, that a commission was appointed at the request of the House. The Commission issued a questionnaire, a copy of which was sent to every member. As regards the subject, under discussion, a careful study of questions 32 and 33 of the said questionnaire will show that opinions have been invited regarding the appointing of an Economic Board, a Marketing Board and Unemployment Board. I think Sheikh Mohammed Amin has not taken the trouble of studying the questionnaire and has spent much time in studying the history of unemployment given in the Sapru Report. If he had studied the questionnaire and sent a reply, he would not have felt any necessity of moving this resolution.

It has also been stated that the Commission has done nothing. In this connection I would like to submit that my learned friend Mr. Kak has not said that the Commission has done no work. He said that no Commission has been appointed for an Industrial Scheme. It is an injustice to the Commission for the Sardar Sahib to say that it has done no work. Mr. Kak has a

grievance about the Industries Department, and this not to-day, but for the last three years. There was also an objection that the Visitors Bureau is doing no work.

MR. GHULAM MOHAMMED SADIQ : Nobody said that. It was stated that other Departments do not co-operate with the Visitors Bureau.

PANDIT LOK NATH SHARMA : Well, if that is so, can the member give, as an instance, any scheme submitted by the Visitors Bureau with which co-operation was refused and which was turned down.

Let me leave this dispute aside. We have to see whether the resolution is premature or not. The advantages and disadvantages of the Board form a separate issue. I am of opinion that, in the presence of the present Commission, it is premature to constitute a board like this. Before I close my speech, I would like to submit that when the Commission was appointed, it drafted the questionnaire in its very first meeting. After two days, a period of two months was fixed within which the replies were to be received. The Commission has so far received two or three thousand pages.

PANDIT JIA LAL KILAM : 1,500 pages.

PANDIT LOK NATH SHARMA : Thank you. 1,500 typed and hand-written pages have been received. The members have read them cursorily and they are now being tabulated. Every member has a right to propose the constitution of an Economic or Marketing Board. In the light of these remarks I oppose the resolution.

LALA HANS RAJ : Sir, the question is that of the condition of industries in the State and the avenues of employment open to the people.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The question is whether there should be an Economic Board or not.

LALA HANS RAJ : I think there should be a Board. There must be one. (Laughter)

LALA HANS RAJ : All right. I shall resume my seat. If I get two minutes, I shall explain it to the satisfaction of the House.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I have not stopped you from speaking. You may speak.

LALA HANS RAJ : I submit, Sir, that though India is said to be like Paradise, Kashmir is in fact a Paradise. Mr. Kak has stated how the people of Kashmir go about in a miserable condition in the Punjab and other parts of India. They carry a black earthen pot worth a pice or two on their back and keep it carefully because of their poverty. Many of the members must have seen them on the

roads.

کشمیر سے عیاں ہے جنت کا رنگ اب تک شوکت سے بہ رہا ہے دریاے گنگ اب تک
اگلی سی تازگی ہے پھولوں اور پھلوں میں کرتے ہیں وجد اب تک طاؤس جنگلوں میں
اب تک وہی کڑک ہے بجلی کی بادلوں میں پستی سی اگنی ہے پر دل کے دلوں میں
اس کے ہرے خزانے برباد ہو رہے ہیں ذلت نصیب وارث غفلت میں سو رہے ہیں

“Kashmir still presents a picture of Paradise to the eye.

The river Ganges is flowing with great grandeur ;

“The fruits and flowers are fresh as ever and the peacocks
are still dancing in the Jungles ;

“The clouds, the thunders and the lightening are there as be-
fore, but the hearts are depressed ;

“The rich treasures of the country are being wasted, but
the unfortunate subjects are sleeping in ignorance”.

The people can do everything, but nothing without the
support and sympathy of the Government. I have got with me an
application of the Phenyl Factory that has been started here.
Obstacles are raised in the way of the Factory. The proprietors
are put to trouble. It is said that even this factory is not allowed
to succeed.

We have now realized the value of resin that we used to throw
away as an ordinary substance. Many products which will yield
lakhs of rupees can be manufactured from it. The people can be
prosperous and can be benefited by it in many ways.

While I was on tour I saw the needleshaped leaves of the
chil trees and told the people that they could earn lakhs of rupees
if they made brooms with these and exported them to big cities,
where they could be used for cleaning the floors in the houses of
rich men. But the forest officials did not permit them to do so.
I submit, Sir, that we have got every thing with us but nobody
listens to our hue and cry and the Government officials do not
allow us to do anything. (Cheers from non-official benches)

I am sorry that nobody supports me and whatever I say is
taken as a joke. But now that we have kind officers like you
(pointing to the official benches) matters will surely be set right.

Perhaps you do not know that Kashmir is a land of gold and
resembles Paradise. It contains all the good qualities that are
found in land all over the world. I would now request the
Government to accept this resolution and try to utilize the pro-
ducts of the country.

I am prepared to sacrifice even my life for any one who might
be hungry. (Hear, Hear)

It is said that nobody supports me.

گلست سعدی بچشم دشمنان خارست

“O Sadi : You are flower but a thorn in the eyes of the enemy”².

SARDAR DHYAN SINGH : Sir, I would like to illustrate the point at issue by quoting an instance. A Commissioner in the Punjab was informed that the crops were damaged owing to deficiency of rains and was requested to issue an order to his subordinates to suspend the recovery of land-revenue. The Commissioner proceeded on a tour and took another officer with him. They went to a field, where the Commissioner was informed that it would produce so much corn. They visited a second field, where also he was informed of the quantity of corn that would be grown in the field. They then went to a third field, in which the corn was damaged. The Commissioner was informed by his subordinate that the field will yield a produce of twenty seers per kanal—The peasant who was present on spot picked four or five ears of corn and showed them to the Commissioner. The Commissioner remarked that his subordinates were really misrepresenting facts to him.

The same is the case with agriculture in this State. The Board has so far done no good. The stability of Government and the maintenance of peace are dependent on the welfare of peasants. Means should be thought out for it and a Board should therefore be appointed.

SARDAR HARI SINGH : I think the previous Boards have already discussed it at large. Even the Industries Department is considering this question. It should be considered again.

PANDIT GOBIND RAM KABU : Sir, many members of this House have already spoken on this resolution. I need not, therefore, say much about it, but I deem it my duty to refute the few points raised by my learned friend Pandit Lok Nath Sharma. He intended to show that Pandit Amar Nath Kak has, for the last three years, started a sort of propaganda against the Department of Industries.

PANDIT LOK NATH SHARMA : I never said that.

PANDIT GOBIND RAM KABU : He laid much emphasis on “three years”. It is a fact that the people have grave complaints against the Industries Department. We should not have felt the necessity of an Economic Board if the Department had worked as such departments do in other countries and if we could hope for some betterment. Complaints against this department have continued for many years. We have been crying since the

very inauguration of the Praja Sabha that the Department should be run on proper lines so that the ever-increasing unemployment may be removed, from the country. We have been asking for the industrialization of the country but the matter is deferred under one or other excuse. Advertisements were issued for the post of a Director. The candidates were called but the whole matter is shrouded in mystery. It is not known on what lines the department is run at present. If the secrets of the department be divulged, it will be found that its administration is very defective. Industries alone will remove unemployment and poverty from the country. I would like to give only one instance of the mal-administration of the Industries Department. When the question of opening a woollen factory in the State was under consideration, the first application was put in by a local firm. The case was completed but some officials of the Department in order to further their own ends joined together; the case of this firm was shelved and facilities provided to an outside firm. The firm, which applied first was local. It is conducting its business at present on a large scale and supplies woollen articles to the Army. The Government never helped this concern nor did it ever extend its sympathy to it. This shows clearly that local firms are not encouraged.

Another fact that I would like to submit is that tenders were invited for serge cloth.....

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Please talk about the question that is now before the House.

PANDIT GOBIND RAM KABU : The question is of unemployment and an Economic Board is demanded to do away with these irregularities and to encourage local products, so that unemployment may be removed.

I was just stating that tenders were invited for serge cloth. The local firms were the first to submit their tenders.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): These are irrelevant facts. Will the Economic Board superwise the Government? The time of the House is very precious. Other members may also have to say something.

PANDIT GOBIND RAM KABU : I would submit, in brief, that it is highly essential to establish an Economic Board. Unemployment cannot otherwise be removed from the country.

LALA SHIV NATH NANDA : Sir, I was very glad to see the resolution moved by my learned friend. I have exchanged views with him about it on many occasions. It had been stated in the resolution that the Government should appoint the Board to check unemployment, to inquire into rural indebtedness as well as the condition of industries which are in a very bad condition in this

State. The Board should also see how the trade of this State can flourish, how the poor zamindars can be helped, and the industries developed. It is, in view of these facts, that my learned friend, has requested the Government to appoint an Economic Board, which may tour about in the villages and help the Government in solving all the economic problems. The speech of my learned friend was followed by the speeches of other members. After Mr. Kak, Mr. Dobey spoke about the resolution. One of the members voiced a complaint against the industries in the State. It is for the last three years that this complaint has been going on, but nobody has paid any heed to it. Being a trader myself, I am fully acquainted with the condition of industries. I will therefore try to throw light on these two points only. I will first take up trade and show how it is going from bad to worse every day. Some members have said that the trade of Srinagar depends upon visitors. It may be so, but I am not prepared to admit it. The trade of our State depends upon industries and only those countries can progress, in which industries are run on a large scale. The Hon'ble Mr. Knox who is sitting here is a European. May I ask him on what does the Government of United Kingdom depend. I submit, Sir, and I am sure that he will at once reply that it depends on trade and industries. The House knows, Sir, that the Japanese trade is progressing day by day.

SHEIKH ABDUL HAMID : It is four O'clock. Time is over.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You have spoken for three minutes today. You will get twelve minutes to-morrow.

The House adjourned till Thursday the 8th April 1937.

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**THE
JAMMU AND KASHMIR PRAJA SABHA DEBATES
(Official Report)**

VOLUME VI.

PART IV

(8th April 1937)

SIXTH SESSION

OF THE

FIRST J. & K. PRAJA SABHA.



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JAMMU AND KASHMIR PRAJA SABHA.

Thursday, the *8th April 1937.*
27th Chet 1993.

The Praja Sabha met in the Praja Sabha Chambers at Ajaibghar at eleven of the Clock.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.), in the Chair.

QUESTIONS AND ANSWERS.

190. PANDIT AMAR NATH KAK (Srinagar City North : Hindu) : (a) Will Hon'ble the Home Minister be pleased to state whether it is a fact that there are candidates for teachers posts of over eight years standing in the Education Department who have been working in temporary arrangements off and on but are being ignored in favour of fresh entrants at the time of making permanent appointments?

(b) Will Hon'ble the Home Minister be pleased to take steps to have these candidates appointed on permanent posts before fresh entrants are taken in?

(c) Is Hon'ble the Home Minister aware of the fact that some of these candidates have been working on clear vacancies for over two years but are not being confirmed?

Will he be pleased to state reasons for the treatment thus meted out to these candidates?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : No candidates are employed for filling up the posts of teachers. So long as the Praja Sabha Sad does not mention the names of those candidates, no light can be thrown on the real facts.

191. PANDIT AMAR NATH KAK : Will Hon'ble the Home Minister be pleased to state :—

(a) Whether it is a fact that there is a number of graduate teachers who have been serving the Education Department for years together and are drawing Rs. 36 and less?

(b) Whether it is a fact that fresh graduates are directly appointed on posts carrying Rs. 44 ignoring the claims of those equally qualified teachers working in the Department? If the answer be in the affirmative, will the Hon'ble Minister take early steps in removing this grievance?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) Yes.

(b) The present policy is that graduates should be appointed

on pay not less than Rs. 44. But in the case of those graduates who have accepted appointments on lesser pay of their own accord, promotion will be given in due course. However attempts are being made that a few graduates who are drawing pay less than Rs. 44, would be granted promotion.

192. PANDIT AMAR NATH KAK : Will Hon'ble the Home Minister be pleased to give the names of the Primary Schools wherein arrangements have been made for adopting Hindi as an alternative medium of instruction in accordance with the resolution passed in the Praja Sabha last year? If no arrangements have yet been made what are the reasons for it? Will the Hon'ble Minister take early steps for making such arrangements?

THE HON'BLE MR. WAJAHAT HUSSAIN : The resolution which was sanctioned by the Praja Sabha reads as follows :—

“The Praja Sabha recommends to the Council that arrangements be made in the boys and girls schools for teaching Hindi as an alternative vernacular as early as possible and as opportunities arise”.

From Baisakh 1994, appointment of Hindi teachers be made in the following schools :—

1. Sirsawa (Tehsil Kotli).
2. Rasyal (Tehsil Ranbirsinghpura).
3. Ghorah-Sitorah (Tehsil Jasmirgarh).
4. Aitham (Tehsil Samba).
5. Rugnath Mandhar (Srinagar).
6. Dyargam (Anantnagh)—(This Hindi teacher will teach the primary department).
7. Giru (Tehsil Avantipora).
8. Sumbal (Tehsil Baramulla).

193. PANDIT AMAR NATH KAK : Will Hon'ble the Home Minister be pleased to state the principles regulating the grant of freeships and the award of scholarships in the colleges? If the freeships are to be granted purely on grounds of merit, will Hon'ble the Home Minister be pleased to state why a number of freeships has been specially reserved for Muslim students in the Sri Partap College, Srinagar, who receive ample encouragement by the special scholarships?

THE HON'BLE MR. WAJAHAT HUSSAIN : The fees are remitted with due regard to merit and poverty. Fees are not remitted in the case of scholarships holders. No particular number of freeships has been reserved for muslims?

194. PANDIT AMAR NATH KAK : Will Hon'ble the Home Minister be pleased to state the principle governing the allotment of special orphan and poverty scholarships in schools to various communities? Are the poverty scholarships awarded in order of merit exactly like merit scholarships to various communities? If

not, will Hon'ble the Home Minister consider the advisability of allotting the fixed proportions of these scholarships to various communities?

THE HON'BLE MR. WAJAHAT HUSSAIN : The orphan and poverty scholarships are granted to deserving students regardless of communal considerations. The allotment of these scholarships in different communities does not seem feasible.

PANDIT AMAR NATH KAK : A little query please. Is not merit taken into consideration?

THE HON'BLE MR. WAJAHAT HUSSAIN : No, but scholarships are not given to unworthy students.

MR. M. A. BEG : Are muslim students, entitled to merit scholarships, deprived of them?

THE HON'BLE MR. WAJAHAT HUSSAIN : No.

195. MIAN QURBAN AHMED (Kathua : Muslim) : (a) Will the Hon'ble Revenue Minister please state how Parmanand, Wazifakhar, and Dhian Singh, Patwari, of Samba, District Jammu, have been confirmed on their posts in the Kathua District within two years?

(b) What are the reasons for ignoring the claims of other deserving muslims and non-muslims?

COLONEL BALDEV SINGH PATHANIA (Governor Jammu, on behalf of the Hon'ble Revenue Minister) : (a) Dhian Singh has been working as Wazifakhwar from 31st Sawan 1979 and as such was the senior-most Wazifakhwar. By order dated 2nd Sawan 1993 he was by reason of his seniority appointed Patwari in the vacancy caused by the death of Sawan Mal, Patwari, and in the last vacancy a muslim, Mohammed Ismail, was appointed Wazifakhwar.

Parmanand was first appointed Wazifakhwar in Jammu District and not in Kathua District, in the arrangement of Prabh Dial, deceased Patwari. As Hari Singh Wazifakhwar Basohli Tehsil belonged to Jammu District and had been in Basohli for a long time it was thought advisable to bring him to his own District. Therefore mutual transfer of Hari Singh and Parmanand was ordered.

(b) From the above it will be seen that the claims of none have been ignored.

196. MIAN QURBAN AHMED : Will the Hon'ble Revenue Minister please state the names of the persons who were appointed when on the 5th of Magh 1993 applications were invited in the Kathua Wazarat and which of the candidates have been appointed in connection with the vacancies caused by the above arrangements?

How many of them are trained and how many untrained muslims and non-muslims and how many of them belong to the

Kathua District and how many of them are agriculturists?

COLONEL BALDEV SINGH PATHANIA : (i) Sukhdev, Parshutam Singh, Khadim Hussain and Gian Chand, Wazifakhars and Maqbul Ahmed one of the applicants, were appointed as Patwaries. Besides the four vacancies of Wazifakhars caused by the promotion of the above four persons there existed two more vacancies in the cadre of Wazifakhars. These six vacancies were filled up by

- (1) Tulsi Ram,
- (2) Bhag Singh,
- (3) Faiz Ahmed,
- (4) Inderjit Singh,
- (5) Bhajan Singh,
- (6) Shah Mohammed.

(ii) All are Patwar School trained. Excepting Parshutam Singh all the officials noted above belong to the Kathua District.

Khadim Hussain, Faiz Ahmed and Maqbul Ahmed are non-agriculturists and the rest are agriculturists.

197. MIAN QURBAN AHMED : Will the Hon'ble Revenue Minister please state whether he has perused the remarks of officers of the Forest Department against the Zaildar of Budhi in the case State versus Basant Singh accused inhabitant of Soundhi Budhi, tehsil and District Kathua, of an assault upon a guard?

(b) If the answer be in the affirmative, will the Hon'ble Revenue Minister take proper action after perusing the file? If not, why?

COLONEL BALDEV SINGH PATHANIA : (a) No.

(b) Enquiry will be made and action, if considered necessary, will be taken against the Zaildar.

198. MIAN QURBAN AHMED : Will the Hon'ble Revenue Minister please state whether a resolution to the effect that the zamindars should be paid the price of the leaves of the Mulberry trees moved by Major Atta Mohammed Khan and passed during the last session of the Praja Sabha was given effect to or not? If not, why?

COLONEL BALDEV SINGH PATHANIA : Yes. The method of giving effect to this resolution is receiving careful consideration and it is hoped to make the necessary arrangements by the spring of 1938 A. D.. The file put up before the Revenue Minister contained the resolution in its original form and he spent some weeks in enquiring into the first alternative proposal, namely a remission of land-revenue on land injured by mulberry trees. A reference to the debate made it clear that Government undertook without an alternative that the owners of the trees should be entitled to payment; the negotiations will be intricate since in villages when the

price demanded is high or where the leaves are not worth buying, it may be necessary to close down sericultural operations.

MIAN QURBAN AHMED : It is six months now that the resolution has been passed. Could no action be taken on it during these six months?

THE HON'BLE MR. K. N. KNOX : Sir, I will try to make it clear. I confess to have made a mistake in this matter. When the papers were first put up before me, the resolution was put up in the original form in which it was stated that either the land-revenue may be reduced for the area occupied by the mulberry trees or arrangements be made for the payment of price of the leaves of the mulberry trees. Action was taken by me about the first part of the resolution and when I was about to issue orders and send my note to the Council, I found that the first part of the resolution was cut out and the Government had agreed to arrange for making payment of the price of the leaves of the mulberry trees. I am now taking steps to implement the resolution.

MAJOR ATTA MOHAMMED : On a resolution moved by me it was decided that the price of leaves would be paid. What was the necessity of such a lengthy enquiry?

THE HON'BLE MR. WAJAHAT HUSSAIN : I am sorry that he has not followed the remarks in English. The Hon'ble Revenue Minister stated that when he came here, the resolution was put up before him in the form in which it was moved in the Praja Sabha at first. The resolution comprised of two parts. The first part laid down that the land-revenue of those areas, which could yield no produce because of their being under the shadow of mulberry trees, should be remitted. The second part of the resolution recommended that the zamindars should be paid the price of mulberry leaves. It was by mistake that action was taken on the first part of the resolution and papers about the remission of land-revenue were completed. The Hon'ble Revenue Minister learnt subsequently that the resolution was passed in the form that arrangements should be made for the payment of the price of mulberry leaves. The Hon'ble Revenue Minister has now started to take action on this recommendation.

199. MIAN QURBAN AHMED : Will the Hon'ble Home Minister please state the number of the teachers in the Kathua District, how many of them are muslims and how many non-muslims, how many of them are agriculturists and how many non-agriculturists and how many of them belong to the Kathua District?

THE HON'BLE MR. WAJAHAT HUSSAIN : The total number of teachers in Kathua District is 126 out of which muslims are twelve. So far a report has not been received to the effect as to how many out of these are agriculturists and how many non-agri-

culturists?

200. LALA SHIV NATH NANDA : In reply to my question No. 68 in the Srinagar Session it was stated that so far as the Brahmins are concerned their chief source of livelihood is agriculture?

If the answer be in the affirmative, will Government please state when was this enquiry made and that report may be put before the House?

COLONEL BALDEV SINGH PATHANIA : 1st part.—Yes.

2nd part.—The general enquiry was started in 1923 and ended in 1932. The whole question was discussed in various meetings of Revenue Officers and there is no special report which can be furnished to the Praja Sabha Sad.

201. LALA SHIV NATH NANDA : Will Government please state whether Mr. Nagarkati prepared statistics which were sent by the Government to Mr. Kohli to make them up-to-date and instructions were issued for the same. But in spite of repeated orders having been issued it is to this day lying in some neglected shelf although over five years have since passed. Under these circumstances it may be told what action has the Government taken on it?

If the answer be in the negative, what are the reasons for silence?

COLONEL BALDEV SINGH PATHANIA : It is regretted that the question cannot be replied to as it is too indefinite to be understood.

LALA SHIV NATH NANDA : I don't follow the word 'Mohamal' —

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Ambiguous.

LALA SHIV NATH NANDA : That word cannot be used here.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : In English we have got these words.

THE HON'BLE MR. K. N. KNOX : To what statistics does his question refer? The Director of Industries had handed over several of his papers to his successor.

LALA SHIV NATH NANDA : Sir, I have stated in my question that these statistics were prepared in the time of Mr. Nagarkati.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : It was not for a day only that Mr. Nagarkati stayed here.

THE HON'BLE MR. K. N. KNOX : Mr. Nagarkatti has prepared some fifty statistics. Which one do you mean?

202. LALA SHIV NATH NANDA : (a) Is it a fact that in the year 1928 Mr. Wakefield appointed Mr. Kohli as Director Industries on Rs. 900 per mensem, when Mr. Nagarkatti left and besides these nine-hundred, Mr. Wattal gave him Rs. 200 more for

Civil Supplies that is, he was drawing Rs. 1,100 from the Government treasury?

(b) Is it a fact that in 1932, after an experience of four years, Mirza Zafar Ali during his tenure of office as Home Minister declared him unfit and made a report for his dismissal which was accepted by the Government?

(c) Is it also a fact that, due to certain reasons, Mr. Kohli was reverted from the Director Industries post to the post of Deputy Director at Rs. 600 per mensem?

(d) If the answer be in the affirmative, will Government please state whether the same person who was drawing Rs. 1,100 per mensem, has now been considered fit to discharge the same duties on Rs. 600 per mensem, as Mr. Kohli has been doing for the last five years?

(e) If the answer be in the affirmative, will Government try the same experiment with regard to the pays of the other highly paid officials so that the question of decreasing the salaries which have been raised, without reason, may be solved?

COLONEL BALDEV SINGH PATHANIA : (a) Yes.

(b) No. It is not a fact.

(c) Yes.

(d) No.

(e) Does not arise.

LALA SHIV NATH NANDA : My question had only three parts (a), (b) and (c). The reply contains more parts (a), (b), (c), (d) and (e).

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Haven't you got an English copy?

LALA SHIV NATH NANDA : No.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Please see the English copy.

LALA SHIV NATH NANDA : Does the English copy differ from the Urdu one?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : We have made it a rule to divide a question into parts when translating it into English. You have perhaps put your question in Urdu and it has been divided into five parts when translated i. e. a, b, c, d, e. If you write your question in separate parts, this difficulty won't arise.

LALA SHIV NATH NANDA : We are doing the same. In future we shall do as you desire.

203. LALA SHIV NATH NANDA : (a) Is it a fact that Lala Ram Rakha Mal Soni and Lala Harbhagwan were relieved from Government service four years ago?

(b) If the answer be in the affirmative, will Hon'ble the Home Minister please state whether the Government has paid them their

"dues"?

(c) If the answer be in the negative, why have they not been paid their dues so far?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) Yes.

(b) Mr. Soni claims Rs. 694/14/-. The P. W. D. has a claim of Rs. 970/7/11 against him. Accounts have been settled to the extent of Rs. 774/3/5 and a sum of Rs. 498/9/6 has been paid to Mr. Soni.

Mr. Sardhana has made a claim of Rs. 33/11/-. He has been asked to prove the claim.

204. LALA SHIV NATH NANDA : (a) Will Government please state what was the opinion of the various officers under whom Mr. Kohli has worked and what opinion did Mr. V. N. Mehta who was an expert in dealing with industries, record regarding Mr. Kohli?

(b) The opinion that the Efficiency Commission expressed regarding Mr. Kohli when his case came up before it may also be stated?

COLONEL BALDEV SINGH PATHANIA : The Praja Sabha Sad is referred to reply given to Q. D. No. 513 asked by Pandit Govind Ram Kabu on 20th October 1936.

LALA RAM LAL VAKIL : Have you read the whole reply Sir? I have got a lengthy reply with me.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I have got a lengthy reply. Has all this to be read out?

LALA SHIV NATH NANDA : That is what I say, Sir.

THE HON'BLE MR. K. N. KNOX : The reply to this question has been read out. What follows is the reply to the question referred to which was given in the last October Session.

205. MIAN AHMED YAR (Muzaffarabad Muslim) : Will the Hon'ble Home Minister please state since what time has the demand of opening a Primary school for girls at village Battal, Illaqa Ghorri been made by means of applications and what action has uptil now been taken in this behalf?

THE HON'BLE MR. WAJAHAT HUSSAIN : No application has been received in my office in this connection. A report has been called for from the Chief Inspectress of Schools. On receipt of her report some light can be thrown on this matter. However if need be felt for a Primary school at this place, the matter will be considered.

206. MIAN AHMED YAR : Will Hon'ble the Home Minister issue orders for raising from Rs. 10 to Rs. 20 the grant-in-aid of those Maktabas where, besides religious instructions, Primary education is also imparted?

THE HON'BLE MR. WAJAHAT HUSSAIN : The Praja Sabha Sad has not put in a question but has submitted a proposal. There-

fore I cannot give any opinion.

207. . MIAN AHMED YAR : Will the Hon'ble Revenue Minister please state as to how many posts of the Revenue Assistants were filled up during the last five years, how many muslims and non muslims were appointed on these posts, what is the number of muslim and non-muslim Revenue Assistants and Tehsildars at present in Baramulla and Muzaffarabad Districts and what are their names, which are the places where they are posted?

COLONEL BALDEV SINGH PATHANIA :

	Total.	Muslims.	Non-Muslims.	
(i)	21	8	13	
(ii)	Muslims 2 and non-muslims 6 as detailed below :—			
	Revenue Assistants.			
	Muslims.	Non-Muslims.		Station.
Wazarat Baramulla.	nil	Th. Hira Singh.		Baramulla.
		Tehsildars.		
Kacho Moh'd. Shah		nil		Badgam.
		P. Sri Kanth Thussu.		Baramulla.
		P. Balbadher Koul.		Handawara.
		Revenue Assistants.		
Wazarat Muzaffarabad.	M. Seraj-ud-Din.	nil		Muzaffarabad.
		Tehsildars.		
		B. Onkar Singh.		Muzaffarabad.
		B. Moti Singh.		Uri.
		L. Amar Nath.		Karnah.

208. MIAN AHMED YAR : Will the Hon'ble Revenue Minister please state as to why and since how long the roads in the villages of Nambla, Boniyar and Danna of Tehsil Uri and Muzaffarabad under the Road Cess (Branch) have not been repaired by the Revenue Department?

COLONEL BALDEV SINGH PATHANIA : Repairs to Nambla road were done during the year 1990-91 (2 years ago) and to Danna and Buniyar roads during the year 1991-92 (last year). For further repairs these roads have been included in the Budget Estimates prepared for the next year.

209. MIAN AHMED YAR : Will the Hon'ble Revenue Minister please state since when the demand for setting up water pipe in Tehsil Uri is being made through the Revenue Department?

What amount was collected as Sanitation Fund in Muzaffarabad District during the past three years and how much amount out

of it was spent in the said district and if the money collected is more than the money spent why should this money be not appropriated in this district for providing water in Uri?

COLONEL BALDEV SINGH PATHANIA : Five years ago. Rs. 10,116.

Rs. 4,030 have been spent in this district. It will not conduce to the general improvement of Sanitation to earmark all the money collected in a district for that particular district.

MIAN AHMED YAR : Will more money be provided in view of the requirements of sanitation and water supply in the suburb of this district?

THE HON'BLE MR. K. N. KNOX : I shall try.

MAJOR MIRZA ATTA MOHAMMED : What procedure has been adopted to ascertain the requirements of the district?

THE HON'BLE MR. K. N. KNOX : This is a new question.

210. KHAWAJA ALI MOHAMMED (Tankipura-Fatehkadal Srinagar City : Muslim) : Is it a fact that offices of the Kashmir State Property in British India are located at different places?

(b) Are in these offices all employees from the Manager down to the peons non-muslims and non-State-subjects?

(c) If the answers to (a) and (b) be in the affirmative, then what are the reasons for not replacing these non-State subjects by the State subjects?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI (Finance Minister) : (a) Yes.

(b) No.

(c) Does not arise.

211. KHAWAJA ALI MOHAMMED : Is it a fact that :—

(a) For the fencing and repairing of the land producing vegetables, the permission of the Municipality is not necessary?

(b) If the reply to (a) be in the affirmative, why is the permission of the Municipality required for the construction of the walls of 75 per cent. of such court yards as are situate within the Municipal limits not adjoining any thoroughfare or Government land and which in winter tumble down on account of rains or snow-fall?

(c) Will Government remove such restrictions?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI :

(a) Permission is necessary for all erections and re-erections within Municipal limits.

(b) Does not arise and it is not desirable to alter the existing rule which was framed to prevent encroachment on Municipal property.

(c) Does not arise.

KHAWAJA GHULAM MOHAMMED SADIQ : Is permission necessary for fencing land under vegetables?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI :
Yes.

KHAWAJA GHULAM MOHAMMED SADIQ : No, I want to know whether it is particularly necessary to secure permission for fencing land under vegetables?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI :
Whatever the land to be fenced, it is necessary to secure permission.

212. KHAWAJA ALI MOHAMMED : Is it a fact that :—

(a) The Sanitary Department is responsible for removing filth and rubbish of the City?

(b) If the reply be in the affirmative, does cleanliness mean that whole of the rubbish be thrown into the river Jhelum and Nala Mar which affects the health of those people who live on the banks of the Jhelum and Nala Mar?

(c) Will the Hon'ble Finance Minister please take action against the Sanitary Department?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI :

(a) Yes.

(b) It is not a fact that the whole of the rubbish of the City is thrown in river Jhelum and Nala Mar.

(c) The Finance Minister will be glad to take any action against any employee of the Sanitary Department who may be found to be guilty of throwing filth and rubbish in the river or Nala Mar.

213. KHAWAJA ALI MOHAMMED : Is it a fact that :—

(a) There is a special allowance fixed for the Doctors who are posted on duty in the Central Jail?

(b) If the reply be in the affirmative, will it be stated as to how many muslims and how many non-muslims have so far been granted opportunities of discharging their duties in the Jail? If there be a disparity in proportion the reasons may kindly be stated?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) Yes. An allowance of Rs. 40 per mensem is paid to the Sub-Assistant Surgeons posted on duty in the Central Jails of Jammu and Srinagar.

(b) As the period for which this information is required has not been specified, the information cannot be given. Postings of Doctors are not made on a communal basis. So far no muslim has been attached to a Jail.

KHAWAJA ALI MOHAMMED : Perhaps the reason, why no muslim doctor is posted there, is that an allowance of Rs. 40 is given there.

THE HON'BLE MR. WAJAHAT HUSSAIN : Perhaps.

214. KHAWAJA ALI MOHAMMED : Will Government please state :—

(a) Since how long Pandit Samsarchand, Tuberculosis

Officers, has been working in the Tuberculosis Dispensary at Fateh Kadal, Srinagar?

(b) Has he received any special training in Tuberculosis?

(c) If the answer to (b) be in the negative, what are the reasons for transferring other Doctors possessing same qualifications, and some of whom are even senior to him, to far off Illaqs while he has never been transferred to any place beyond the limits of Srinagar City?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) Pandit Samsar Chand remained posted in Fateh Kadal Tuberculosis Dispensary from 12th Bhadon, 1988, to 6th Har, 1992.

(b) Tuberculosis is a branch of the medical profession and if a doctor remains posted in Tuberculosis Department for a number of years he may, by virtue of his experience, be considered to have acquired special knowledge of the branch.

(c) Doctor Samsar Chand has since been transferred to Shigar in the Frontier Illaqa from Har 1992.

215. SUBEDAR KHAN MOHAMMED KHAN (Bagh Sudhanti Poonch : Muslim) : Is it a fact that there are forty three villages in Sarsava Punjera and that there are only two Primary schools situated at a distance of half a mile from each other?

If the answer be in the affirmative, will more schools be sanctioned for this Illaqa?

WAZIR FERAZ CHAND (Wazir of Poonch, on behalf of the Hon'ble Revenue Minister) : Sarsava and Punjera are situated at a distance of two miles from each other. This Illaqa is not traceable.

However it is situated perhaps in Kotli tehsil. There are thirty Primary schools in this tehsil and two more will be opened this year.

216. SUBEDAR KHAN MOHAMMED KHAN : Is it a fact that in Zail Tarala, Sail Tribadi Dhar, Zail Sharmandi, there are sixty-six villages ; that the zamindars of villages Atkora, Saleus, Pana, Thali have since long started private schools and that the zamindars are unable to bear the expenses?

If the answer be in the affirmative, are Government prepared to bring these schools on official list?

THE HON'BLE MR. WAJAHAT HUSSAIN : A report has been called for in this matter. On receipt of report reply will be given.

SUBEDAR KHAN MOHAMMED KHAN : If a report is received, will these private schools be included in the list of Government schools?

THE HON'BLE MR. WAJAHAT HUSSAIN : It is only a presumption yet. Proper action will be taken on receipt of a report.

217. SUBEDAR KHAN MOHAMMED KHAN : Is it a fact that in the village Sudhan Gali Dharai of Tehsil Bagh, from a very long

time schools have been started and that the houses too have been built for them?

If the answer be in the affirmative, will they be brought on the official list?

WAZIR FEROZ CHAND (Wazir of Poonch, on behalf of the Hon'ble Revenue Minister) : The Poonch Administration has no knowledge of such schools?

SUBEDAR KHAN MOHAMMED KHAN : Will they be placed on the official list when the fact comes to their knowledge?

WAZIR FEROZ CHAND : The matter will be considered, if funds permit.

218. SUBEDAR KHAN MOHAMMED KHAN : Is it a fact that in the village of Malot in Tehsil Bagh there is a private school for girls?

If the answer be in the affirmative, are the Government prepared to bring it on the official list?

WAZIR FEROZ CHAND : The existence of such a school has not so far come to the notice of the Poonch Administration.

SUBEDAR KHAN MOHAMMED KHAN : If it is brought to notice that a private school for girls exists, will it be put on the official list?

WAZIR FEROZ CHAND : The matter will be considered.

219. SUBEDAR KHAN MOHAMMED KHAN : Are Poonch Government aware that no cattle can enter or go out of the boundary of Jammu and Kashmir State except in the grazing season?

(b) Are Government also aware that zamindars are settled on either side of the boundary and they purchase grass from both sides and that it is a common practice in Sidhonti and Bagh and Mehndar that when no grass is available on one side they take their cattle to graze in on the other?

(c) That the bullocks have to be carried to the other side for tilling the land?

(d) That from such zamindars duty is charged in cash?

If the answer be in the affirmative, then is it not enough to demand personal security only from such zamindars? Are the Government prepared to remove this hardship?

COLONEL BALDEV SINGH PATHANIA : (a) There is no restriction. Cattle can be taken into the State and brought to Poonch without restriction of season and time.

(b) Yes.

(c) Yes.

(d) No duty is charged ; but only personal security is obtained from the persons temporarily taking out and bringing into Poonch the cattle for grazing purposes. Cash duty is charged only when shortage is found in the number of cattle as that is tantamount to export or import as the case may be.

(e) In view of the above the question does not arise.

220. LALA HANS RAJ (Jammu : Hindu) : (a) Is Government aware that at Adhkwari, on way to Vaishno Devi, there is no arrangement for drinking water either from the Dharmarth Department or from the Government although hundreds of pilgrims go for Darshan to Vaishno Devi and this is a source of income of several thousands to the Government.

(b) Why does not the Government or the Dharmarth Department which receives thousands of rupees from the contract and the offerings, provide facilities for the pilgrims on such places?

(c) Is Government prepared to arrange for the supply of drinking water at Adhkwari where the pilgrims halt for the night also?

COLONEL BALDEV SINGH PATHANIA : (a) The Dharmarth already maintains a Chabil at Adhkwari during the Mela Days.

(b) and (c) Do not arise.

221. LALA HANS RAJ : (a) Is Government aware that in the Tehsil, Wazarats etc., cases and files keep pending for consideration for years together and the people concerned have to incur lot of expenses for presenting themselves?

(b) If the answer be in the affirmative, will Government consider over some scheme to put an end to this practice?

COLONEL BALDEV SINGH PATHANIA : (a) This part of the question is not clear. The Praja Sabha Sad has not mentioned as to what particular files and cases are meant and as such it is not possible to give any definite reply. If, however, files relating to partition, lambardari, zaildari and Revenue-Judicial cases are meant, then it may be pointed out that all subordinate officers are bound to submit monthly statements of cases pending for more than three months to the Governor. On receipt of these statements, such action, as may be called for, is always taken against the delinquent officials.

(b) Steps are already being taken to ensure speedy disposal of such cases. But if the Praja Sabha Sad has any suggestions to make, the Government will be prepared to consider them.

222. LALA HANS RAJ : (a) Will Government please state the number of Government and private schools and their standards in Chenani Jagir?

(b) Do Government think that the present state of education in Chenani Jagir is quite satisfactory?

(c) If education is not enough, will Government or Chenani State consider the question of opening more schools?

COLONEL BALDEV SINGH PATHANIA : (a) There are Primary Schools at Chenani and Sudh Mahandev, and a Pathshala at Assar, run by His Highness' Government. In village Mada, a private school has recently been started by a private person. Its standard

is for the present of Lower Primary.

(b) In view of the backward condition of the Illaqa, the facilities available for education are sufficient. The zamindars do not derive full benefit from these institutions. There is a general apathy amongst the zamindars, except Rajputs, who are sending their boys to Schools. It is also worthwhile to add that Rs. 264 are provided in the current year's budget of Chenani, for grant of scholarships to the boys who are desirous of continuing their studies in the Middle and High schools.

(c) Does not arise.

LALA HANS RAJ : Is it stated about Chenani that there is no need of education there.

BABU RAM DASS : Education is necessary. But when the zamindars are told that permission has been granted to open Primary schools and they are asked whether they are prepared to send their children to schools, they say that in the first place they have very few children and if they put these few also to schools, who would graze their cattle?

LALA HANS RAJ : Even cattle are educated now-a-days. Is education opposed there?

BABU RAM DASS : No.

LALA AMAR NATH KOHLI : Is the number of boys very little there?

BABU RAM DASS : Yes.

KHAWAJA GHULAM SADIQ : Point of order, Sir. I want to know what is the position of the member who has just replied this question?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : He is Wazir of Chenani and is allowed by the Hon'ble Revenue Minister to reply the question on behalf of the Government.

THE HON'BLE MR. WAJAHAT HUSSAIN : He does not ask questions and move resolutions?

THE HON'BLE MR. WAJAHAT HUSSAIN : He does not ask questions but can move resolutions on behalf of the Government.

223. LALA HANS RAJ : (a) Will Government please state whether the pay of the peons in Chenani Jagir is Rs. 6 per mensem, some are paid even at Rs. 4 per mensem each and whether this insufficient salary has an untoward effect on the public?

(b) If the answer be in the affirmative, do Government think that constables and peons can make their both ends meet with Rs. 6 a month?

(c) Will Government remove the grievance of Chaprasis and constables by increasing their salary?

COLONEL BALDEV SINGH PATHANIA : (a) 1st part.—Yes. 2nd part.—There is only one chaprasi who is paid at Rs. 4 per mensem. This is more or less a kind of Mukarrari. Nominal

work is taken from him.

(b) In view of the economical conditions of the Illaqa, reply is in the affirmative.

(c) Does not arise.

224. LALA HANS RAJ : (a) Is Government aware that in spite of the Settlement having been made in the villages, even to this day the roads are impassible for travellers and it is ditto in the plains although on the contrary in the British territory there are roads linking up one village with the other and so on?

(b) If it is a fact it may please be stated whose fault it is. Should not the Government consider it their duty on principle to help the traveller and to remove his hardship? Then why is consideration of the same postponed from year to year?

COLONEL BALDEV SINGH PATHANIA : (a) Several roads, large as well as small have so far, been constructed by the Road Cess Department all over the province and new roads and bridges are constructed every year. The Department spends from 40,000 to 50,000 annually on the repairs of old roads and bridges and construction of new ones.

(b) The Government realize their duty and are doing all that can be done towards providing good roads within the funds available.

225. SARDAR HARI SINGH (Wazarat Jammu, Udhampur, Reasi :Sikh) : Will Government please state as to whether the work of digging wells in Kandi Illaqa is done according to the desire of the people or is it done by the Public Works Department as they wish or whether some expert is consulted? If an expert is not consulted why not? When it is found in certain places that in spite of great efforts water does not come forth or a rock makes its appearance or water is found at greater depths?

THE HON'BLE MR. WAJAHAT HUSSAIN : The Hon'ble Revenue Minister has prepared a scheme according to which attention, each year, will be concentrated on a small area like a tehsil and its needs satisfied before taking up work in any other area. The needs of the area will be ascertained by a committee consisting of the Governor of Jammu, the Divisional Engineer Irrigation Division, the local Revenue officers and some members of the Praja Sabha with a number of intelligent and influential gentlemen belonging to the locality. The committee will draw up a list of works and prepare the estimates. The execution of works will be entirely in the hands of the local people but will be supervised by an overseer of the P. W. D. under the control of the Governor and the Divisional Engineer.

SARDAR HARI SINGH : The reply given to me is not the reply to my question. My question is (reads the above question No. 225).

THE HON'BLE MR. WAJAHAT HUSSAIN : If Sardar Sahib will read the reply carefully, he will find it stated therein that a Committee has been appointed to prepare a list of wells and tanks to be constructed and to prepare an estimate of every work. (reads the last portion of the original answer given above)

SARDAR HARI SINGH : Where will these works be constructed? Has the expert been consulted on this point?

THE HON'BLE MR. WAJAHAT HUSSAIN : An overseer has been provided for that purpose.

SARDAR HARI SINGH : What does the overseer know? He is not an expert. There are men in the Revenue Department also. Why should one not have been taken from there?

THE HON'BLE MR. WAJAHAT HUSSAIN : You have a misunderstanding. This is done with the consultation of all. So long as the Mineral Survey Officer and the Divisional Engineer do not send their reports about it, the work cannot be started.

SARDAR HARI SINGH : When the Divisional Engineer is consulted. Why are not persons who have a knowledge of the sub-soil consulted.

THE HON'BLE MR. WAJAHAT HUSSAIN : If you desire, they will also be consulted.

226. SARDAR HARI SINGH : In reply to Q. D. No. 176 the Hon'ble Finance Minister stated that the rates of the Customs duty on boots, shoes, etc. made in India and on unused leather were one and the same. But according to the Customs Notification No. 2 of 1935 page 2 the rate of Customs duty on boots is ten per cent and on pages 25 and 26 the rate of Customs duty on leather is 20 per cent. Will Government please state reasons for this disparity because this Customs Notification is in force at present, that is the Customs duty on leather is more than it is on boots?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : There is no such tariff item as "unused leather" in the Customs Tariff. The rate prescribed for leather unmanufactured is 10 per cent.

SARDAR HARI SINGH : My submission is that, as shown on page 2 of the schedule, the Customs duty on boots and shoes imported from outside is 10 per cent and as stated on page 25 of the same schedule the duty on leather is 20 per cent.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : The duty on unmanufactured goods i. e. leather is ten per cent. If you want to know more you may enquire from the office.

SARDAR HARI SINGH : When I put this question in the last session, I was told, Sir, that the duty is the same for both. But as a matter of fact, it is ten per cent on boots and shoes and twenty per cent on leather. This is proving harmful for the trade and industries of the State.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : You may come to the office and details will be supplied.

SHEIKH MOHAMMED AMIN : Is the Customs duty on Chrome leather 20 per cent while it is ten per cent on articles made of it.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : Nothing can be said off hand.

SHEIKH MOHAMMED AMIN : I am correct. The duty is the same as I said.

227. LALA AMAR NATH KOHLI : Will the Hon'ble Revenue Minister be pleased to answer the following :—

(a) Does the Government know that enclosing of Rakh "Nag Bani" for His Highness' private Dairy Farm has resulted in driving out of all "Jangloo Mall" to other villages far and near?

(b) Does the Government know that this "Mall" has become a regular nuisance for those villages, if so what action do they propose to take in this line as well as in the similar case of "Mall" from Rakh "Gaddi Ghar" which has been enclosed by Military?

COLONEL BALDEV SINGH PATHANIA : (a) No.

(b) 1st part.—No.

2nd part.—Does not arise.

228. WAZIR GANGA RAM : Is it a fact that this year many deaths were caused on account of small-pox in the village Nachalyana, Tehsil Ramban?

If the reply be in the affirmative, will Government please state as to what measures were adopted by the Vaccination Department for its prevention and with what results?

THE HON'BLE MR. WAJAHAT HUSSAIN : Reports about the out-break of small-pox in the villages of Ramban Tehsil were received in last winter when the vaccination staff was working in the plains. Special arrangements were made and two vaccinators deputed to the infected villages. They vaccinated a large number of children and the epidemic was stopped.

WAZIR GANGA RAM : Has the travelling allowance of vaccinators been stopped from Jeth 1993.

THE HON'BLE MR. WAJAHAT HUSSAIN : This is a new question.

WAZIR GANGA RAM : It is not new but arises from the same question. The pestilence is growing in Udhampur. They don't go on tour because they get no travelling allowance.

THE HON'BLE MR. WAJAHAT HUSSAIN : You are not correct. Their T. A. has not been stopped.

229. WAZIR GANGA RAM : In the last session of the Praja Sabha the Hon'ble Prime Minister in his speech stated that the Government will in order to divert the course of the Chenab river, soon secure the services of an expert and for diverting the course of the river Chenab action would be taken in accor-

dance with his advice?

Will Government be pleased to place for the information of the public before the House the opinion of the expert and also state as to what they have done in this behalf according to his instructions?

THE HON'BLE MR. WAJAHAT HUSSAIN : The Government of the Punjab has lent the services of the Executive Engineer, Marala Division, who has completed the survey of the Illaqa and is preparing a scheme of permanent works. The proposals have not been received yet. In view of the fact that the permanent scheme will not be ready before the middle of April, he was requested early in January to suggest a scheme of temporary works for the protection of the Illaqa during the next rainy season. A temporary scheme, estimated to cost Rs. 76,000 was received from him. On examination it was found that the temporary works could not be completed before the level of the Chenab rose. The State Engineers have prepared another temporary scheme which can be executed before the Chenab rises, and it is being executed.

230. WAZIR GANGA RAM : Will Government please place before the House for the information of the public, a statement of figures whereby it could be known as to how has the money, sanctioned by the Government in the current year for the Kandi Division, been spent in the current year and how do Government intend to spend it in future?

THE HON'BLE MR. WAJAHAT HUSSAIN : A sum of Rs. 40,000 was sanctioned in the current year's budget for Kandi Water supply. Out of this, a sum of Rs. 18,550 for wells at Jasmergarh and Akalgarh has been allotted. The balance of Rs. 21,450 has been placed at the disposal of the Revenue Department and a further sum of Rs. 33,000 has been demanded from Government for constructing wells and tanks in Bhimber Tehsil. The Hon'ble Revenue Minister has prepared a scheme according to which attention each year will be concentrated on a small area like a Tehsil and its needs satisfied before taking up work in any other area. The needs of the area will be ascertained by a committee consisting of the Governor of Jammu, the Divisional Engineer, Irrigation Division, the local Revenue Officers and some members of the Praja Sabha with a number of intelligent and influential gentlemen belonging to the locality. The Committee will draw up a list of works and prepare the estimates. The execution of works will be entirely in the hands of the local people but will be supervised by an Overseer of the P. W. D. under the control of the Governor and the Divisional Engineer. Tehsil Bhimber the worst affected Tehsil in the State has been selected this year and it is proposed to spend

a sum of Rs. 54,000 on its works.

231. WAZIR GANGA RAM : Is it a fact that in Tehsil Bhadarwah the land-revenue is realized at higher rates than the other Tehsils of District Udhampur?

If the reply be in the affirmative, will Government please provide facilities to the zamindars by reducing the rates of land-revenue in Tehsil Bhadarwah?

COLONEL BALDEV SINGH PATHANIA : It is almost impossible without a field enquiry to say definitely that the soil rates of one Tehsil are higher than the soil rates of another Tehsil. Soils vary from one Tehsil to another and so does the soil classification and the price level.

232. WAZIR GANGA RAM : Will Government please remove the difficulties of the people by starting classes in F. Sc. (Medical Group) in the P. W. College Jammu as is arranged in S. P. College Srinagar? If not, why?

THE HON'BLE MR. WAJAHAT HUSSAIN : The Government is starting a Science College at Srinagar this year. It will also consider the question of opening an F. Sc. (Medical Group) class in Prince of Wales College Jammu, but not this year.

233. SARDAR KANHAYA SINGH (Baramulla :Sikh) : Is it a fact that a majority of the members of the Town Area Committee of Baramulla and Sopore are also the contractors of the Committee? Is it a fact that certain members of Baramulla Committee have got some roads constructed upto their homes and that no attention has been paid to the roads meant for the public? Will Government please state the names of such members of the Committee? Is it a fact that there are arrears amounting to thousands of rupees of Dharat and Adda fee of the last year outstanding against these contractors, because the same contractors are the members of the Town Area Committee? Will Government please state as to whether it will take steps to remove the above mentioned irregularities; will take immediate action for the recovery of the arrears of the public money and will stop the grant of contracts to the members of the committee or their agents when such contracts are auctioned?

COLONEL BALDEV SINGH PATHANIA : 1st part.—Yes. Some of the members of Town Area Committee Baramulla secured contracts of the works of the Town Area Committee in the names of their relatives and also got particular roads repaired.

2nd part.—Khawaja Saif-ud-Din Shah,
Pandit Prem Nath,
Aziz Joo and
Sardar Isher Singh.

3rd part.—Arrears are outstanding against some contractors and steps are being taken to recover these. The Tehsildar who

is also the Town Area Magistrate is being asked to effect recoveries in question, as early as practicable.

4th part.—The Committee has decided that in future no member of the Committee or his relative will be given contracts.

MIRZA MOHAMMED AFZAL BEG : Point of order, Sir. It has been stated in the reply that, in future, contracts will not be given to the members of the Committee or their relatives. Will this principle be applied to all the Town Area Committees or it will be confined to the Baramulla Town Area Committee alone.

THE HON'BLE MR. K. N. KNOX : The question refers to the Town Area Committee of a particular area. The information has been obtained that the Committee has disallowed it. I cannot say this without notice whether it is a general order. I quite agree that it ought to be.

MIRZA MOHAMMED AFZAL BEG : Is a Committee competent to do so.

THE HON'BLE MR. K. N. KNOX : I do not see any reason why it should not be.

234. SARDAR KANHAYA SINGH : What are the schedule rates of the contracts of Dharat and Adda fee of the Town Area Committees of Sopore and Baramulla respectively? Have these rates undergone any change? Where and under what rule the rates of tax are revised? Is it a fact that the contractors of Baramulla charged as schedule rates two pice per "Than" instead of two pice per bundle (Gatha) and when complaints were brought to the notice of the President Town Area Committee Baramulla, he ordered for levying two pice per bundle (Gatha)?

Will Government, in view of the fact that this contractor, who has infringed the rules, has acted dishonestly and deserves punishment, take action against him?

COLONEL BALDEV SINGH PATHANIA : The Schedule is fixed by the Committee for the year and revised annually where necessary under the provisions of the Town Area Regulation.

The contractors took the rate originally fixed per bundle to be the rate chargeable for a "Than", but when the matter came to the notice of the Committee, the mistake was rectified at once.

The question of punishment does not arise.

235. SARDAR KANHAYA SINGH : The Sentries in the Srinagar Silk Factory are paid from Rs. 14 to Rs. 15 per mensem. These people discharge their duties day and night in the winter season and even Sundays are not allowed as holidays to them and the duties assigned to them are harder than those of the other similar employees. Are Government prepared to raise their pays to some extent?

COLONEL BALDEV SINGH PATHANIA : The answer is in the negative.

236. SARDAR KANHAYA SINGH : The building of the Primary school village Achha Hama, Tehsil Badgam, has been constructed by the Gurdwara Committee and the expenses on its repairs also are borne by the Committee, and the inhabitants of this village have, for years been submitting applications to the officers of the Education Department for granting rent of the school building?

Will the Hon'ble Minister in-charge of Education please state reasons for not granting rent to this school building when the rent for school building is being granted to other such affiliated schools? Will rent be granted to this school in future, so that this building may not fall into ruins and the villagers can be benefitted by education?

THE HON'BLE MR. WAJAHAT HUSSAIN : As the Gurdwara Committee did not get the repairs made to the House which is in a wretched condition, therefore no rent would be sanctioned. If the Committee get the repairs made and will give an assurance to the effect that it would continue making repairs regularly the grant of rent can be sanctioned.

237. SARDAR KANHAYA SINGH : Will Government appoint an Assistant Inspector for supervising the work of the Gurmukhi teachers whose duty will be to supervise and inspect as the Muslim Inspectors does in the case of Arabic teachers?

THE HON'BLE MR. WAJAHAT HUSSAIN : It is regretted the Government cannot accept this proposal as no benefit would accrue of it.

238. LALA RAM LAL (Illaga Poonch, Hindu) : (a) It may please be stated whether the appointment of Wazir Poonch is made at the recommendations of Sri Raja Sahib Bahadur Poonch?

(b) If the answer be in the affirmative, what objections the Kashmir Government have to the appointment of a resident of Poonch or of the State, a State pensioner or any outsider, whom Sri Raja Sahib Bahadur Poonch might propose for this post?

If there are any objections the reasons therefor may please be stated in detail?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Question No. 238 has been deleted.

MIRZA MOHAMMED AFZAL BEG : Is it rejected or withdrawn by the member?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It is rejected.

239. LALA RAM LAL : (a) It may please be stated whether before the inauguration of the Praja Sabha also Poonch Budget used to be submitted to Kashmir?

(b) If the answer to (a) be in the affirmative, it may please be stated for what years was the Poonch budget submitted to the Kash-

mir Durbar?

If the answer to (a) be in the negative, it may please be stated why is Poonch Budget now taken up for consideration in the Praja Sabha?

The reasons therefor may please be stated in detail?

COLONEL BALDEV SINGH PATHANIA : (a) Yes.

(b) 1st part.—For the years 1985-86, 1986-87, 1987-88, 1988-89 and 1989-90.

2nd part.—Does not arise.

LALA RAM LAL : Was the budget called, during the years 1986-90, under some order or condition of Patta?

THE HON'BLE MR. K. N. KNOX (Revenue Minister) : Sir, I cannot say without notice.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : No reply will be given now.

LALA RAM LAL : Will a reply be given in the next session?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Notice is required for that.

240. LALA RAM LAL : (a) It may please be stated whether Kashmir Government is prepared to take qualified Poonch officers in service in the State in the way lent officers of the State are deputed to Poonch?

(b) If the answer to part (a) be in the negative, detailed reasons therefor may please be stated?

COLONEL BALDEV SINGH PATHANIA : (a) So far the Kashmir Government have not found it necessary to borrow the services of a Poonch officer, but there is no rule or regulation to prevent them from doing so.

(b) Does not arise.

241. LALA RAM LAL : (a) It may please be stated whether besides the laws of the Kashmir State the rules in force in Kashmir State are also enforced in Poonch besides those of the Poonch State?

(b) If the answer to part (a) be in the affirmative, it may please be stated according to what terms of a Patta or understanding are the rules of the Kashmir State enforced in Poonch? It may also be stated that if all rules of the Kashmir State are not enforced there, which of these are applicable to Poonch?? The details of such rules may be supplied?

COLONEL BALDEV SINGH PATHANIA : (a) The Rules framed under various Regulations in the State are enforced in Poonch subject to such amendments as are necessary according to local conditions.

(b) Rules which are framed under various Regulations must be consistent with the object of the Regulation. Though enforcement of rules in force in the State is not required in the Patta in

the sence in which Regulations are, yet they are enforced here as a matter of course as they are beneficial to this Illaqa, and no better ones can be framed. The Rules under the following Regulations have been enforced in the Illaqa after necessary amendments :—

1. Forest Regulation.
2. Stamp Regulation.
3. Court Fee Regulation.
4. Legal Practitioners Regulation.
5. Civil Procedure Code.
6. Criminal Procedure Code.

LALA RAM LAL : Can it be taken to mean that according to Patta, these Rules can be enforced in Poonch. This is what I asked in part (b) of my question.

THE HON'BLE MR. K. N. KNOX : How does the question of Patta arise?

LALA RAM LAL : My question was whether the Rules are in force in Poonch or not?

THE HON'BLE MR. K. N. KNOX : Sir, there is no reference.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You cannot put any question about the Patta. There can be no question about the conditions or rules and laws mutually assented to by His Highness the Maharaja Bahadur and the Raja of Poonch.

LALA RAM LAL : Can we put questions against the conditions of the Patta?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : No, not against the Patta. Questions can be asked about the administration, but the Praja Sabha cannot consider questions about matters between the suzerain and his subordinates. You may put questions about administration and the Praja Sabha will consider them.

SARDAR DHAYAN SINGH : Translation of the Patta granted to Raja Jugat Dev Singh of Poonch was published in papers. Everybody can know the contents of the Patta. According to that Patta the same laws and Regulations were to be enforced in Poonch.....

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You can put a question about that.

SARDAR DHAYAN SINGH :that were in force in His Highness' Government at that time. The condition of the Patta was that "All laws and Regulations that are in force in His Highness' Government shall also have to be enforced in Poonch".

But how were the laws and Regulations, passed subsequently, enforced there and under what conditions have the other Rules been applied to that Illaqa?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : If the question is as to what were the conditions of the Patta, it

will be rejected; but if it is as to whether the Rules of Poonch Durbar are in keeping with law or against it, you may ask it.

LALA RAM LAL : What Rules? This condition of the Patta may be omitted. How has this been done?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I shall see your question again. You may amend part (b), which is :—

“If the answer to part (a) be in the affirmative, it may please be stated according to what terms of a Patta or understanding are the rules of the Kashmir State enforced in Poonch? It may also be stated that if all rules of the Kashmir State are not enforced there what out of these are laws those which are applicable to Poonch? The details of such rules may be supplied”?

It has been replied.

242. LALA RAM LAL : (a) It may be stated whether the report of cow slaughter in the village Hari Gehl was made at the police station and whether the hide of this slaughtered cow was examined by a compounder?

(b) If the answer to part (a) be in the affirmative, it may please be stated whether it was not only to hush up this case that some Muslims set fire to the Hari Gehl mosque and raised disturbance?

(c) If the answer to part (b) be in the affirmative, it may please be stated whether of the persons who set the mosque on fire and one other who confessed the guilt in the court were prosecuted in the court or not? If they were not challaned the reasons therefor may please be stated in detail? The names of those persons who were responsible for causing the disturbance may also be stated and what action did Poonch Government take against them? If no action was taken against them the reasons therefor may please be stated?

COLONEL BALDEV SINGH PATHANIA : (a) Yes.

(b) The Mosque was burnt due to party spirit prevailing between Lahnasingh and Rangbaz, a Mirasi, the two Chowkidars with their party on one side and some Mohammadans of the other party on the other.

(c) One of the alleged accused persons confessed the guilt but the case was not challaned for want of sufficient proof. The following persons were responsible :—

Iqbal Khan Lambardar.

Ghulam Rasul Tehsil Peon.

Rangbaz and Lahnasingh Chowkidars.

Jia Lal and Muhammad Azam petition writers.

These persons were all suspended.

LALA RAM LAL : Sir, in part (b) I had asked whether the Hari Gehl mosque was burnt simply to hush up the cow slaughter case?

THE HON'BLE MR. K. N. KNOX : I think that a complete answer has been given.

LALA RAM LAL : The Government has with it the findings of the enquiry. The mosque was burnt afterwards.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : That was not found on enquiry. This is an opinion. You cannot put a question about it.

LALA RAM LAL : How were the persons, who made a confession, dealt with? Was the proof insufficient?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It has been replied. This is an opinion and you cannot put that question.

LALA RAM LAL : Have the persons, who were suspended, been reinstated?

THE HON'BLE MR. K. N. KNOX : This is a new question.

243. MIRZA M. A. BEG : (a) Is it a fact that in Kashmir Province the employees of the Income Tax Department assess two annas per rupee as profit on retail of the tax payer in the event of his having maintained no accounts as required by the rules of the Department?

(b) Is this rate of profit not too much in these days of economic depression?

(c) Does the Government know that the Income Tax having recently been imposed, the traders have not been keeping account regularly according to the rules of the above department and such a demand for presenting such accounts involves much difficulties?

(d) If the answer be in the affirmative, then under these circumstances will the Government issue instructions to the employees of department that in demanding such account strictness should not be observed and that less rate of profit be assessed?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : (a) No. The procedure followed in cases where no accounts are maintained is that an assessee's sales of different commodities are ascertained from his books and rates of profit sanctioned by the Government are applied to the various commodities comprising the sales. These rates are different for different commodities and vary from 2 per cent. to 12 per cent. in the cases of all commodities except articles of luxury.

(b) Does not arise.

(c) Yes. The Department is aware of the fact that the assessee's do not maintain regular accounts. There are no specific rules enforced by the Department calling upon the assessee's to maintain their accounts according to any particular system. Where however regular accounts are not forthcoming, all possible facilities are given to the assessee's to give the Department an idea of their income.

(d) Instructions have already been issued in this respect. It may however be mentioned in this connection that not a single concrete case has been reported so far in which any undue hardship was complained of.

MR. M. A. BEG : On what basis are the Index Numbers, showing the rates sanctioned by the Government, prepared?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : This is a correct answer.

MR. M. A. BEG : Sir, may I ask a question, my aim is slightly different. I ask about rules. How has it been found out?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You can ask this question.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : I have no knowledge of it. It is assessed on the profits accruing from their sales, that is, income tax is assessed on profits of their sales.

MR. M. A. BEG : The other question is how are the articles of luxury and necessity classified?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : It is an ordinary matter.

PANDIT LOK NATH SHARMA : The luxury of one may be the necessity of the other.

MR. M. A. BEG : I would like to submit whether it would be a matter of opinion to see whether all luxuries are defined in the Regulation.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The Hon'ble member says that the articles of luxury have been defined or not.

MR. M. A. BEG : It has been stated in parts (a) and (c) that proper accounts are not maintained. Have any directions been issued for that.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : What I mean is that we cannot prescribe any form, according to which accounts may be maintained. They may keep their accounts in the form in which they have kept them, and the tax will be levied accordingly.

MIRZA M. A. BEG : The rates imposed vary from 2 per cent. to 12 per cent. What are the different rates for the different commodities?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : That is so.

244. MIRZA M. A. BEG : (a) Is it a fact that Road Cess is charged from the zamindars?

(b) Is it also a fact that the Road Cess contracts are given by the Governor in the Kashmir Province, and at the time of granting such contracts the zamindars in the suburbs cannot have any in-

formation about this?

(c) What objection do Government have if these contracts, in future, be granted through the Wazir Wazarat?

(d) Is it not a fact that in granting through the Wazir Wazarat there are great chances of the people of the Illaqa concerned remaining in touch?

(e) If the answer to part (d) be in the affirmative will such contracts be given through the Wazir Wazarat so that the zamindars who have greater claims may be benefited by such contracts?

(f) Is it a fact that His Highness the Maharaja Bahadur had issued commands to the effect that such contracts should be granted to the zamindars?

COLONEL BALDEV SINGH PATHAINA : (a) Yes.

(b) No. Contracts to the limit of Rs. 500 are sanctioned by Wazir Wazarat. Contracts exceeding this limit are sanctioned by Governors, who consider the claims of Muffasil contractors, also. Zamindars can easily get information about the contracts within the powers of Wazir Wazarat.

(c) Does not arise.

(d) Yes.

(e) This is already being done, *vide* reply given to part (b) above.

(f) There are no commands of His Highness on the subject, but there is a Standing Rule to the effect that repairs contracts of non-technical nature be granted to zamindars of villages situated on the road-side.

MIRZA M. A. BEG : I have a question, Sir. In part (c) I had asked "What objections do Government have if these contracts be granted in future through the Wazirs Wazarat". No reply has been given to this. I had requested that these contracts should be given through the Wazir Wazarat who should be directed to give them to the zamindars.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : What objection is there if these contracts (up to 500 rupees) be given by the Wazir-i-Wazarat?

THE HON'BLE MR. K. N. KNOX : I had not understood the question. I will make enquiries.

MIRZA M. A. BEG : In the last part, it has been stated that there are no commands of His Highness the Maharaja Bahadur on the subject, but there is a Standing Order that these contracts should be given to the zamindars who live on the road-side. Will a circular order be issued and the attention of Wazirs drawn to it.

THE HON'BLE MR. K. N. KNOX : I am enquiring into that and will issue orders.

245. MIRZA M. A. BEG : (a) Does the Government know that there has always been a great scarcity of water for drinking

and irrigation purposes in the villages Akanam, Mehrpura, Hakwara, Harsuhpura, Arahkushipura, Amarkhar Shelipura, Balapura and Barnathi Battapura (Tehsil Anantnag) and in the winter season there is absolutely no water available there on account of which the people are put to great difficulty ; and that in this season they cannot but use dirty and muddy water?

(b) If the Government is not aware of it will it enquire into the matter and inform the House?

(c) Will Government make arrangements for supplying water to these villages either from Nalla Barangi or from the spring at Kokarnag?

COLONEL BALDEV SINGH PATHANIA : (a) Government have no information.

(b) Enquiry will be made.

(c) The possibilities of arrangements from Nallah Barangi or Kokarnag spring will be considered.

MIRZA M. A. BEG : Hon'ble President, part (b) of my question has not been replied.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The reply states that an enquiry will be made.

MIRZA M. A. BEG : But, will the House be informed of the enquiry? Will the enquiry be made in this Session and the House informed?

THE HON'BLE MR. K. N. KNOX : I will make a note of this question and the answer that has been given to the House. For making proper enquiry, sufficient time is required. If the enquiry is completed during this Session I shall inform the House about it.

MIRZA M. A. BEG : They have no water to drink. Immediate action should be taken in this case.

THE HON'BLE MR. K. N. KNOX : All right.

246. MIRZA M. A. BEG : (a) How many vacancies of Forest Guards have been filled up by the Divisional Forest Officer Anantnag in the year 1935? How many of them were temporary and how many permanent?

(b) How many Muslims and how many non-Muslims were appointed on the temporary and permanent posts? Figures may please be stated separately?

COLONEL BALDEV SINGH PATHANIA : There were no temporary Forest Guards sanctioned for the Kashmir Forest Division during 1935 and 1936. No permanent post of Forest Guard was filled up in Kashmir Division in 1935 and 1936.

There happened to be two vacancies in this Division which were filled up by transferring 2 old Forest Guards from the Keran Division as was required under the Glancy Commission Report because they did not belong to Muzaffarabad District.

MIRZA M. A. BEG : The reply to this question is perhaps

indefinite. My query was clear. "How many vacancies of Forest Guards have been filled up".

The reply is "none were sanctioned". It has then been stated "were not filled".

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : No post was sanctioned and as such none had to be filled up.

MIRZA M. A. BEG : Sir, it appears from the reply that Hon'ble Revenue Minister makes a distinction between "Sanctioned", and "filled up".

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You can frame a new question. I do not understand what you mean?

MIRZA M. A. BEG : All right, sir.

247. MIRZA M. A. BEG : (a) Is it a fact that His Highness the Maharaja Bahadur had issued commands for including a large khalsa area in Shamilat for the welfare of the zamindar inhabitants of the villages?

(b) Had some area (in Pahlgam, Tehsil Anantnag) been entered in Shamilat-i-Deh in accordance with the commands of His Highness by the order of the Hon'ble Revenue Minister and the Governor?

(c) Is it a fact that after this area was entered in the Shamilat orders were issued to exclude this area from Shamilat?

(d) If the answer be in the affirmative, then why the poor zamindars of Pahalgam were deprived of the above Royal concessions?

COLONEL BALDEV SINGH PATHANIA : (a) Yes.

(b) In allotting shamilat credit had wrongly been given to zamindars of the land acquired from them for camping ground 7 years ago and also of the land in possession of the Visitors Bureau Department.

(c) Yes.

(d) The zamindars were not deprived of the Royal concessions.

MIRZA M. A. BEG : Under whose orders was this land acquired for camping ground?

THE HON'BLE MR. K. N. KNOX : This was done seven years back. It cannot be said under whose orders, presumably, it was done under the Government orders.

MIRZA M. A. BEG : What is the competent authority to sanction acquisition of land? This is a question about procedure.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You are putting a question about a matter which happened some seven years ago. The Hon'ble Revenue Minister is therefore not in a position to give an answer.

MIRZA M. A. BEG : This question was put to know the pro-

cedure. I wanted to know the general procedure.

THE HON'BLE MR. WAJAHAT HUSSAIN : He has got no papers with him, to enable him to reply the question.

248. PANDIT GOVIND RAM KABU (Kashmir : Hindu) : (a) Will the Government please state the names of those persons and concerns that have received aid since the time "The Aid to Industries Bill" became law?

(b) What is the amount of aid in each case and what is the particular purpose for which aid was given?

(c) Has any aid been given to non-State-subjects if so, why?

COLONEL BALDEV SINGH PATHANIA : (a) None.

(b) and (c) Do not arise.

MR. JAGAT RAM ARYAN : Was no application received for it?

THE HON'BLE MR. K. N. KNOX : Applications were received but on account of the resignations of members, no meeting of the Board was held.

249. PANDIT GOVIND RAM KABU : Will Government please state what steps it has taken for supply of water for drinking purposes in the following localities :—

(1) Uri. (2) Baramulla. (3) Sopore?

COLONEL BALDEV SINGH PATHANIA : 1. It has been not possible to make any cheap arrangements for a small village like Uri which has a population of less than one thousand. The well which is the existing source of water supply has been improved.

2. The proposal is under the consideration of Sanitation Cess Board. The Town Area Committee has been asked to obtain quotations for supply of 2 lacs of gallons of water daily.

3. Proposals for water supply to Sopore are also under consideration.

MIAN AHMED YAR : Had His Highness the Maharaja Bahadur expressed a wish in 1983 that, as many visitors stay at Uri, arrangements should be made there for water-supply?

THE HON'BLE MR. K. N. KNOX : What place?

THE HON'BLE MR. WAJAHAT HUSSAIN : Uri.

THE HON'BLE MR. K. N. KNOX : My information is that a scheme was prepared and examined but it was considered too expensive.

MIAN AHMED YAR : Will the Government please inspect "Mala Tikri" for supplying water?

THE HON'BLE MR. K. N. KNOX : If the Hon'ble member would discuss with me or write to me a note, I shall try to do everything that is possible.

250. PANDIT GOVIND RAM KABU : Will the Government please supply the following information :—

(a) What is the number of patients who were treated in the

State Dispensaries at Muzaffarabad, Baramulla and Anantnag during the year 1992-93?

(b) What is the amount of annual grant of medicine received in the above dispensaries?

(c) What is the average amount of relief in the form of medicine received by each patient?

(d) Does not the Government consider it necessary and proper to increase the grant of medicine in the dispensaries?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a), (b) and (c) The information is as follows :—

Name of Dispensary.	No. of Patients.	Annual grant of Medicines and drugs.
Muzaffarabad	... 22,746	1,225
Baramulla	... 32,767	1,226
Anantnag	... 44,227	1,225

The actual expenditure fluctuates with the general grant for medicines.

(d) It is a matter of availability of funds.

PANDIT GOVIND RAM KABU : The Urdu reply states "Khalis Akharajat Adwayat". What does it mean?

THE HON'BLE MR. WAJAHAT HUSSAIN : It is wrong. The word is "actual". The translation is not correct.

251. PANDIT GOVIND RAM KABU : During the last session of the Praja Sabha in answer to a question of mine about the reduction of the Nazool Tax the Hon'ble Revenue Minister had given assurance that the case would be considered. Will the Government please state what reductions, if any, have been effected in this tax, if none, what are the reasons?

COLONEL BALDEV SINGH PATHANIA : The member Praja Sabha is referred to Council Order No. 833-C of 1936 (copy enclosed) according to which rates have been appreciably reduced.

ORDER NO. 833-C OF 1936.

SUBJECT :—Revenue Minister's Memo. No. 2400. dated 15th September, 1936, regarding reduction in the rate for residential leases in Srinagar.

It is hereby ordered that the rate of rent of Rs. 20 per kanal fixed for residential leases in Notification R-18 of 1990 be reduced to Rs. 10 in future. This rate will also apply to past and indefinite grants reassessed under Notification R-18 of 1990, but the new rate will apply from the date of sanction. In the case of leases given

out since the rate of Rs. 20 per kanal was sanctioned the lessees should be given the option of retaining land at the rate of Rs. 20 per kanal or get it reduced to Rs. 10 per kanal, on payment of additional premium equal to that paid by them originally.

The following method of assessment for large residential or superfluous areas included in the leases given in the past is also hereby sanctioned :—

1. Sites of 4 kanals ... at Rs. 10 per kanal.
2. Sites of 4 to 12 kanals at $\left\{ \begin{array}{l} 4 \text{ at Rs. 10 per kanal.} \\ 8 \text{ „ } 7 \text{ „} \end{array} \right.$
3. Sites of 12 to 24 kanals at $\left\{ \begin{array}{l} 4 \text{ „ } 10 \text{ „} \\ 8 \text{ „ } 7 \text{ „} \\ 12 \text{ „ } 5 \text{ „} \end{array} \right.$
4. Sites of over 24 kanals at $\left\{ \begin{array}{l} 4 \text{ „ } 10 \text{ „} \\ 8 \text{ „ } 7 \text{ „} \\ 12 \text{ „ } 5 \text{ „} \\ \text{Over 24 at Rs. 3 „} \end{array} \right.$

The rates shall be enforced from Katik 1990, when revised Nazool rates were introduced.

The existing rates of Rs. 10 and Rs. 5 per kanal for Maliari, Pitsi etc. sanctioned *vide* Council Order No. 293 of 1935, are hereby reduced to :—

1. Maliari, fruit and willow plantation
on land ... Rs. 5 per kanal,
2. Land used for rice and cereals cul-
tivation ... Re. 1 „
3. Pitsi, Nandru and other plantations
in water ... Re. 1 „

This reduction will take effect from the date of sanction and apply to fresh leases only.

252. PANDIT GOVIND RAM KABU : Will the Government please state the names of those villages in the valley where Panchayats have been started? Who are the members of these Panchayats and what work have they done? What representation have the minorities got in them?

Statement showing the names of Panchayats, their jurisdiction and personnel.

Serial No.	Name of Panchayat.	Jurisdiction.	Personnel.
1. Ganderbal	...	1. Ganderbal 2. Gangerhama. 3. Salura. 4. Tulamula. 5. Wahedpora 6. Behama 7. Duderhama. 8. Fatehpora.	1. Hasean Sheikh af Salura. 2. Ali Sheikh (Zaildar). 3. Kh Asad Bhat. 4. Mohammed Malik. 5. Shyam Lal.
2. Shalamar	..	1. Banigam. 2. Harwan. 3. Bagh Chandpora. 4. Chandpora 5. Shalamar. 6. Paizwalpora.	1. Sona Bat (Numbardar Bani-gam) 2. Ghulam Mohd. (Numbardar Harwan). 3. Ahmad Shah. 4. Pt. Ram Chand. 5. Ali Dar.
3. Nishat	...	1. Nishat. 2. Lam. 3. Braine. 4. Guft Ganga.	1. Mohd. Sheikh of Braine. 2. Habibulla of Nishat. 3. Abdul Ahad. 4. Mohd. Wani. 5. Rasul Dar.
4. Devpora Dardpora.		1. Devpora. 2. Dardpora 3. Wanigam. 4. Chbandil. 5. Darhama. 6. Kalahama 7. Zomarhama. 8. Badrakot. 9. Dad Koshi. 10. Gugal Dara	1. Ghulam Mohi-ud-Din. 2. Pir Sadiq Shah. 3. Lachman Raina. 4. Pir Qumar-ud-Din. 5. Amir Malik.
5. Ferozpora	...	1. Treran. 2. Chhanapora. 3. Chandipora. 4. Wahipora. 5. Bandipora. 6. Katapora. 7. Salauda. 8. Ferozpora.	1. Aziz Sheikh (Numbardar Chbandipora). 2. Ghulam Mohi-ud-Din. 3. Ghulam Mohi-ud Din. 4. Mr. Hari (Nedoes Hotel). 5. Sadu Singh.
6. Bandipora	...	1. Bandipora. 2. Ajar. 3. Daohigam. 4. Nuso. 5. Nawpora. 6. Kharapora. 7. Malar. 8. Papchan.	1. Said Ullah Mir. 2. Kh. Khera Wani. 3. Sardar Sardool Singh, B. so. (Honours). 4. Lala Kashmiri Lal, B. A., LL. B. 5. Moulvi Abdul Aziz (Imam). 6. Pt. Gulab Ram 7. Khawaja Sanaullah.
7. Oshkra	...	1. Oshkra. 2. Ganta Bagh. 3. Gotiar.	1. Khaliq Lon Zaildar. 2. Gafli Tantre. 3. Bhai Man Singh. 4. Ahmed Mir. 5. Ghulam Ahmad.

Serial No.	Name of Panchayat.	Jurisdiction.	Personnel.
8.	Delna	1. Delna. 2. Kharicharigund. 3. Jhama.	1. Aziz Rathar. 2. Abdul Ghani Qazi. 3. Hussain Bat. 4. Ismail Bat. 5. Pt. Sarwanand.

a (3) The Panchayats in Kashmir Valley, besides concentrating their attention on the carrying out of rural uplift programme, have executed appreciable amount of judicial work of which details are given below :—

Cases instituted.

500

Cases decided.

300

Manure pits.

600

Cash collected.

Rs. 175

a (4) All the communities have been given due representation and minorities special weightage.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The gentleman who put the question has got the reply I suppose.

PANDIT GOVIND RAM KABU : Yes sir.

LALA SHIV NATH NANDA : Sir, while I was speaking on Sheikh Mohammed Amin's resolution yesterday, time was up and I was permitted to speak for twelve minutes to-day. I would like to submit that only that Government can succeed most in which trade and industries are run on a large scale. In all the speeches made for or against this resolution in this House, complaints have been made about the Industries Department of the State. The department paid no special attention to industries. It is, therefore, that economic depression is gaining more and more ground day after day. Questions have been put against this department during the last three years, resolutions have been moved and speeches made. The Government also accepted it, promised a consideration of the matter and the appointment of an efficient Director at an early date. But it is very sad that, in spite of the deputations that waited on the Government, no sound arrangement has been made to remove the economic depression and unemployment from the State. The industries of the State are in a deplorable condition. The Department has been in existence for twelve years and five lakhs of rupees have been spent on

salaries alone. When I read the replies to the questions that I put to the Government on the subject, I began to wonder what justice it is and why the Government defers this matter from day to day. My submission is that the money paid as salary is not drawn from the treasury but is a demand on our pockets. When we see that our money is spent lavishly, we naturally say that much injustice is being done to us.

Those of my learned friends, who read papers, must be knowing that the Governor of the Punjab said in his speech on the 24th March 1923 that unemployment and economic depression could not be removed from the world so long as special attention is not paid to Industries. He remarked that the Government also was always ready to render assistance and said that Joint Stock Companies should be started to provide poor men with work and solve the question of increasing unemployment. The condition of Joint Stock Companies is very bad in this State. I do not want to go into details about it. I would only like to submit that the Industries Department is responsible for it, because the Director of the Department is ignorant of Companies' Law. My friend, Sheikh Mohammed Amin referred to the Mysore State and said that four lakhs of rupees were spent on industrial research there.

SHEIKH MOHAMMED AMIN : Forty Lakhs not four but.....

LALA SHIV NATH NANDA : All right, forty lakhs.

LALA SHIV NATH NANDA : I want to submit, Sir, that many persons from here went to Nahier State on the occasion of the marriage of Hon'ble Thakur Kartar Singh's son. We saw an Iron Factory there and, on enquiry from the Manager, learnt that it had been running there for ten or twenty years. The State has a revenue of only fifteen lakhs while it has spent seventeen lakhs on the Factory. It is also fortunate that the Factory is at a distance of only 75 miles from the Railway Station and yields a profit of three lakhs every year. My friends have stated that forty lakhs of rupees are spent here but even for spending money we require efficient men. If I spend money on a work, which I do not know, the money will be wasted. Unemployment is on the increase in the State and to remove this "pestilence" we require an efficient "Doctor". If the "Doctor's" treatment is sound, the disease will go. The "patient" himself cannot do anything. Therefore I submit that if we have no efficient Director of Industries,.....

LALA AMAR NATH KOHLI : He is ventilating his personal grievances.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I will see to that myself.

LALA SHIV NATH NANDA : An efficient Director is therefore badly needed here and so long as one is not appointed the Indus-

tries cannot flourish here. We have about three thousand students who are out of employment. To provide them with work, we require industries, for which we should spend as much as possible.

I would also like to submit that the Aid to Industries Regulation is in force in this State, but, as stated by Mr. Dobey, it is doing no good. I was also on the Committee and I fully endorse the remarks of Mr. Dobey. The main difficulty is that if an outsider comes and wishes to establish an industry, he cannot do so, that is, he cannot start an industry. I talked to two or three men this time and told them that a cement industry could be started in this State and if they would invest some capital for it and take a share of the profits, the work could be carried on very nicely. They told me that they were not prepared to invest a single pice here. They said that they had read the Aid to Industries Regulation of the State and had lost all confidence.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You are not criticising the bill.

LALA SHIV NATH NANDA : So long as outsiders are not encouraged in investing their capital here, the trade of this State cannot flourish. Is any of the persons, who are sitting in this House, prepared to invest ten or twenty lakhs in this? I think even the Government is not prepared to grant any money.

Another amendment is going to be made in the Aid to Industries Regulation, by which any person taking a loan of more than three thousand rupees shall have to furnish double security.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The Act is not before you.

LALA SHIV NATH NANDA : When these difficulties are there, how can unemployment be removed.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : We have to speak on the Economic Board. Please speak about the Economic Board, say what it will do and why it is required.

LALA SHIV NATH NANDA : As the Hon'ble President has directed me to speak about the Economic Board now, I would submit that many of the members have complained yesterday that the Unemployment Commission, appointed by the Government, cannot solve the problem. I would submit that this Board was appointed at the instance of the Praja Sabha. So long as the Unemployment Commission does not submit its report, it is needless to form any other Board. With these words I close my speech.

MOULVI MOHAMMED ABDULLA : Sir, the Hon'ble Home Minister, having already spoken, our speeches should be brief now. Arguments had to be advanced about the original proposition to show whether an Economic Board is needed or not. Well, Sir, every individual has his own way of thinking.

Pandit Amar Nath Kak has stated, in detail, that the question of unemployment has nothing to do with this resolution. Even the words indicate that by recommending the appointment of an Economic Board, it is not desired to constitute a Board to inquire into the question of unemployment and to solve the commercial problems of the country. Economics means frugality and moderation. We have to examine the present condition of the State, find out the excess as well as the deficiency, and to ascertain the means to solve the problem of those, who do not get anything to eat in spite of their being engaged in work. It is necessary to do that. These discussions will, otherwise, avail but little. It is not for the Praja Sabha to discuss its function. It has to propose a comprehensive scheme which if sound, would be accepted. It is for the Government to see how to carry it out. I submit, Sir, that the words used are an "Economic Board". The Hon'ble Home Minister made a speech and explained what an Economic Board means. As an example, I submit that when the labourers reach Jammu in summer, they find no place for rest and sleep on the roadside, where they are often bitten by scorpions and serpents. It is the duty of an Economic Board to ascertain the present financial condition of the State, to see that no unnecessary bungalows are built and no gardens are laid for meaningless show. It should also see whether a Serai is needed for these poor people or not, how much it would cost and how it can be built by economising unnecessary expenditure. This is all that the Board has to do. My submission is that we are not "Chowkidars" to supervise the Government. We only want to advise it to replace unnecessary showy and meaningless expenditure by necessary and urgent expenditure, such as the building of a Serai to provide accommodation for the visitors and to relieve them of the troubles detailed above. As stated by Mr. Kak, this resolution has, doubtless nothing whatsoever, in common with the Unemployment Commission. Even a little thought will show that the two are not allied.

A Board should be formed to improve the condition of the State. It should ascertain the income of the State, the expenditure on luxuries, the money wasted on unnecessary things and then submit a report and make suggestions. My friends should excuse me. I do not speak Kashmiri Urdu (ambiguously) but submit, in plain words, that this resolution has nothing to do with the Unemployment Commission, whether such commission exists or not. I think, Sheikh Mohammed Amin has put this resolution before the House with great ability. It is schemes like this that have put the whole world, from North to South and from East to West, on the path of progress. If the Government does not accept it to-day, it shall have to do so at some future time. This is not an

ordinary resolution. It is the best possible measure to regulate the Government machinery and to improve the administration. I admit that this is a difficult task, but there is no difficulty which cannot be overcome, provided that we do not lose courage. That was the question.

I must admit and admit sincerely that whenever a Commission is demanded, the demand for non-official element goes along with it. The official members do the work, and the presence or absence of non-official members is immaterial. It is my experience that, since the inauguration of the Praja Sabha, meetings were held and Standing Committees formed. I also used to be present, but the result was nothing except expenditure in coming and going. It is true that, as pointed out by the Hon'ble Minister, several resolutions were moved in the Praja Sabha in the last five sessions. I admit it. Resolutions were, no doubt, moved, but the Government does what it wishes to do.

No work can be done, so long as somebody is not made responsible for it. The Hon'ble Ministers call for a report about a matter from their subordinates. When the report comes, they take it as correct and agree to it. I experienced the same in the meetings that I attended. I was a member of the Education Committee. The Hon'ble Minister sent for a report and acted upon it. My presence was nominal. In one of the meetings of the Committee, Rs. 1,500 were sanctioned for Hakims. The members were called from Kashmir and Muzaffarabad. The expenditure on the Committee was thus, perhaps, equal to this amount.

His Highness the Maharaja Bahadur intended to associate his subjects in the administration of the State and to give training to young men. Otherwise no good can be expected from the present constitution of the Praja Sabha. Government opinion cannot be over-ridden. We are insignificant in the Praja Sabha. There is, of course, one advantage--our young men get some training. It is therefore necessary for us that

اگر شہ روز را گوید شب است این
بباید گفت اینک ما یرون

"If the king says at day--time that it is night, we should say here is the moon and here are the stars". What ever has to happen happens.

Leaving these unimportant issues aside, I now turn to the main issue. There should be organization in the State, because nothing can be done without an organization. The committee should be formed under a separate organization, so that it may give advice in economic matters, which will benefit the public and help the Government. The Government should have no objection to it. The resolution is sound and should be passed unanimously.

It is true, and I fully agree with that part of the Hon'ble

Home Minister's speech in which he said that it is useless to reiterate old tales. We have ventilated our grievances in our previous speeches. It cannot be gainsaid that the present organization of the world is defective. The Government is organized but the people have no organization. We are dying, but so long as we have no organization we cannot have an orderly society. Weeping and wailing will avail but little. If we complain of hunger, the Government will leave us to die. Nothing can be achieved without organization. The people should be organized so that they may consider what they should do. A permanent Economic Board will be helpful to the Government as well as the public. My learned friend enquired where we could get men for this Board. My submission is that we will learn by and by. I assure the House, Sir, that we can work very nicely. Do not consider Kashmiri Pandits to be men of no merit. Even Sir Iqbal has admitted their superior intelligence. He says :—

“These cheerful sons of Brahmins

Who taught India the lesson of liberty”.

There are men in the State but they should be given training. A progressive and permanent Economic Board is needed. With these words I close my speech and strongly support this resolution.

PANDIT JIA LAL KILAM : In his speech, the Hon'ble Home Minister said yesterday that the scope of the Economic Board mentioned in this resolution has not been defined. He also said that the resolution is under the consideration of the Unemployment Commission, which is working at present and in addition to this, there is an Industrial Board in the State and an Agricultural Board is also about to be established. The resolution is therefore uncalled for. He has not, probably, read the whole of the resolution. The most important words in it are “relief of economic distress” and much can be said about them.

The Hon'ble Minister said that much is being done in this State. He said that the number of visitors is increasing. But may I ask him whether he has seen the miserable condition of those thousands of labourers, who cross the snow peaked and arduous mountains and go out of the State simply to earn a living. Every day sees an increase in their number.

THE HON'BLE MR. WAJAHAT HUSSAIN : The number is not increasing.

PANDIT JIA LAL KILAM : It is increasing. Perhaps you have got no statistics. Why do these poor labourers leave this charming valley and go to the Punjab? This is a question. Has the Government considered it? Economic difficulties are the root cause of this exodus to U. P., Punjab and other far-off provinces. They get nothing to eat or wear. Does the Government know

how many labourers died in the Punjab this year and why they died? The main cause is economic distress. The Government should also make an enquiry, because after all they are citizens, subjects of His Highness and tax-payers of the State. If they wander about in the lanes of the Punjab, are killed and have to risk their lives, it is simply because they have to face economic difficulties. Or else is there any individual, who would under these circumstances leave his kith and kin behind and bear all these troubles? Keeping this grave economic distress in view, it is highly essential to set up a permanent Economic Board. Therefore I would most respectfully request the Government not to be afraid of such a Board. Those at the helm of affairs in the State inquire whether the Board is to work as a watch man. It is not at all so. We do not want the Board to serve as a watch man. We want co-operation with the Government and a respectable one. The Government should co-operate with capable and unbiassed citizens, so that the latter may submit their proposals. It is said that they can move resolutions even without a Board, but these resolutions have no force.

It has been said that Pandit Amar Nath Kak complains that the Government has done nothing. We do not want to injure anybody's feelings, but with due deference, I would like to know what improvements have been brought about in agriculture? How many irrigation projects have been completed during the last four or five years. Has any new project been taken in hand? How many canals have been dug? It may be said that such and such canal has been constructed. But sir, it is to be remembered that the canal was constructed thousands of years ago. If any new project has been completed, how much waste-land has been reclaimed through it? So far as agriculture is concerned, we find the same old implements, the same land, the same seeds, the same methods of cultivation which were in vogue in the anti-deluvian days and the same methods of manure which prevailed ten thousand years ago.

I do not want to complain. But we see all this with our own eyes and we are not so degraded as to flatter the Government even after seeing all this. The Hon'ble Home Minister said in his speech that there has been some progress. I want to tell the Government.....

MOULVI MOHAMMED ABDULLA VAKIL : He has admitted that something has been done.

PANDIT JIA LAL KILAM :that the Industries have not developed at all. They can develop only when there is a permanent Economic Board. I do not want to take more time. I would only like to submit that an Economic Board should be established at once.

With these words I support the resolution.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :
Who supports the resolution?

MIRZA M. A. BEG : Sir, I support the resolution. The Hon'ble Home Minister made some allusion yesterday and said that the functions of the Board have not been stated; nor has it particularly been elucidated, even by the mover himself, why such a Board is to be formed. Mr. Kak's speech must have solved that difficulty of the Hon'ble Home Minister. There is no doubt about the fact that Mr. Nanda spoke in favour of the resolution, but in the end he began to oppose it. This, however, seems to have given rise to some difficulties which are not economic. Mr. Nanda's speech was followed by two other speeches yesterday and I hope they must have removed the misunderstanding and solved the difficulty of the Hon'ble Home Minister due to which he asked yesterday what the functions of the Board were to be. I shall not therefore touch that part of the speech, in which the Hon'ble Home Minister said that the mover has not stated the functions of the Board in the resolution.

The Hon'ble Home Minister has raised some other points which have yet to be replied. It has been stated that a Board of Industries and a Board of Agriculture have already been appointed. Both of these Boards are useless. So far as the Board of Industries is concerned, its powers are limited. It is a pity that we have been told yesterday that the Board of Industries and the Board of Agriculture will perform the functions which are expected to be performed by an Economic Board. To think so of the Economic Board is, I believe, to take these words in a limited sense. The complications, that have cropped up now-a-days in the world of Economics are increasing day by day. A competent Permanent Board should therefore be appointed to find out and try to remove the difficulties and complications that arise in the Economic field. There is therefore no justification for saying that the Board of Industries and the Board of Agriculture are performing the functions of the Economic Board. Referring to me, the Hon'ble Home Minister said that I was a member of the Unemployment Commission and eventually resigned from it. I moved an amendment to the resolution. The learned mover did not feel any necessity of it. If he had felt it the difficulty would have been solved. Besides the question of educated and uneducated unemployment, I would submit that I do not feel any necessity of these words in the resolution. But it would be sad, if in spite of this, it were stated that the Unemployment Commission will solve the difficulties which a permanent Economic Board is expected to solve. The Unemployment Commission can say how far this problem can be adjusted and to what extent it can

be removed.

The permanent Board to be so formed will keep an eye over the economic conditions and remove their complications. Mr. Kabu spoke about the Director of Industries yesterday and laid undue emphasis on the Board of Industries. What we want is that the administration should not be made top-heavy. We repeatedly move resolutions and request the Government to mitigate unemployment. There is perhaps a recommendation that a Director of Industries should be imported and a big post filled. Our difficulties are common and are the same as those of the poor people. The appointment of high-salaried officers over our heads cannot remove our difficulties. It will only deplete the treasury. I do not believe that such officers alone can set things right. My submission is that we all cry for the same thing. While talking about Agriculture, today, Mr. Kilam inquired if any practical improvements had been made. If we look around, we find that no irrigation projects have been taken in hand. What has been the fate of the irrigation works, even in our Anantnag? In places where there was no need of artificial irrigation and where natural means of irrigation existed Trout hatchery has been started, and restrictions placed on taking water from there. Similar other difficulties have also been created and irrigational improvements.....

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : That is not the subject.

MIRZA M. A. BEG : I am replying Mr. Kilam.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Your time is so precious that it would be more useful if you confined yourself to the main subject instead of wasting your time in answering others.

MIRZA M. A. BEG : Similarly there are other natural means of irrigation, of which we have been deprived. This being the case, may I know what measures have been adopted to bring about betterment and progress. So long as we have no permanent Economic Board these difficulties will arise every day. A department of the State tried to improve the Economic condition. It was the Commerce Department, which tried to develop the wool industry, to organize the cottage industries and to look after them. But the Tariff policy was so shaped that it easily rendered it impossible to organize the industry and their efforts proved fruitless. If there were an Economic Board, it would supervise the work of all the departments and would point out that progress cannot be possible in this way. I would say that the Commerce Department cannot succeed so long as the Tariff policy is not sympathetic. We cry every day that much raw material is available in the State and there are so many natural resources that the country can thrive

much if the big industries as well as the cottage industries are developed. The country cannot thrive in the face of such Tariff policy. The import duty on cotton is 50 per cent and cotton ropes are admitted free of duty. It is the Tariff policy which governs the individual policy. There can be no success so long as finished goods are allowed free of duty and 50 per cent duty is charged on raw material. I am aggrieved to find this. If a Board were formed to improve the different departments, to advise them in matters of economic relief, to co-ordinate their activities and to see that one department does not undo the work of another department, there would, doubtless, be economic regeneration. This can be possible only when there is a permanent Economic Board. People every day complain of unemployment and we feel helpless in this respect. A study of the statistics, along with that of educational progress, will show that educated unemployment is on the increase. Educated people are prepared to take to industries, because they are out of employment. In view of the number of persons, out of employment, I support this resolution and submit that we do need an Economic Board.

SHEIKH MOHAMMED AMIN : Sir, in the speeches that have been made on my resolution, the elected members have supported me. To economise time, I would like to reply two or three points raised by the members who laid much stress on industries. While explaining my resolution, I stated the function of the Economic Board. In supporting my resolution, Pandit Ram Chandra Dobey said that a Board of Agriculture should also be formed. Thus the members lay much emphasis on the formation of a Board of Agriculture and a Board of Industries. What will be the function of the Board of Industries? If a person desires to open a factory, he will ask for Government permission and apply for monetary help or other facilities. The applications will go to the Board of Industries and will be considered by it. The same will be done in the case of all other industries. The Board will thus perform a particular function. It is not for these Boards to consider the question of removing the growing unemployment and submit proposal for the same. These Boards will deal with particular matters and shall have nothing to do with the Economic Board. We next come to the objection that an Unemployment Commission has already been appointed. If we take Mr. Lok Nath Sharma's statement, it gives rise to the question whether the Commission will fulfil the purpose which has led to a demand for an Economic Board. I submit, sir, that even this Commission will do no good if an Economic Board is not appointed. So long as a permanent Economic Board is not formed, no action can be taken on the recommendations of the Commission to fulfil

the purpose for which it was appointed and the expenditure incurred on it will thus be wasted.

All the Enquiry Commissions that were appointed in British India have recommended the constitution of such Boards. Even the British Government felt the necessity of forming an Economic Board, in spite of the existence of Industrial and Agricultural Boards there. I have already submitted, how much was spent by the United Kingdom in forming such a Board. It is reaping a great benefit now. It is erroneous to think that the Board will control the Government. It will, on the other hand, assist the Government. Unemployment increases sometimes and sometimes it decreases. The Board will bring such matters to the notice of the Government and will submit its proposals, as is done in the Mysore State. The Government will thus take up a work which it would otherwise do a year hence. I will cite Mysore as an example. Unemployment was on the increase there in 1933-34. The Board submitted its recommendations to the Government with the result that unemployment was removed, and the people became prosperous. I read a passage from the report.

(The Hon'ble member read out a passage from the report).

My submission is that one of the advantages of the Board is that it will study the conditions prevailing in the country, will bring them to the notice of the Government and will also submit its own suggestions for removing unemployment. The standard of living is higher nowadays, but the income is decreasing. Suppose a Zamindar who has four children, owns four "ghumoan" of land. Every one of his children inherits one "ghumaon". Each of them has four children. The four "ghumaon" of land are, in this way, partitioned among twenty persons.

PANDIT LOK NATH SHARMA : Some die.

SHEIKH MOHAMMED AMIN : Owing to lack of education, the zamindars cannot effect any improvement in their land; and they find it difficult to meet their expenses. One of the functions of the Economic Board will be to invite the attention of the Government to the improper expenses incurred on the occasions of marriages and deaths, and try to introduce reforms. It will also make suggestions regarding the education of the people so that unemployment may be removed from the country.

Mr Nanda stated that he was supporting my resolution, but he intentionally laid emphasis on Industries. I am thankful to him; but I think, in whatever we do, the good of the country should be kept in view. It is unfair to oppose a matter or criticize a department because of personal prejudice. Such an attitude besides being detrimental to public interests, will prove harmful for the person doing so. Mr. Kabu cited the wool industry as an example and stated that concessions were not granted by

the Industrial Department to a particular factory to which he wanted them to be given; but were granted to a different factory run by non-State-subjects. I could not find any other reason for Mr Kabu's displeasure. If a person has a particular complaint or grievances, I think, he should not make it a general cause. In such cases it is not fair to say anything against a department and criticize the actions of an officer. I am of opinion that instead of condemning any beneficial departments for such reasons, we should suggest means for the development of the department. The Government should also provide sufficient funds for the department, because even an angel cannot conduct the work without funds.

The Punjab Government as also many other Governments have established Economic Boards. It should be the duty of the Board to ascertain the volume of unemployment and find out measures to remove the same. The Board is not intended to control the Government. It will, on the other hand, help it. The commissions, that are appointed, submit their reports very late, which renders them useless. It is better to nip the evil in the bud, otherwise new difficulties are sure to arise. The Sapru Commission has also made a mention of it. The Commission has stated that it would be better for the Government to tackle this problem in time. In view of these remarks, I would like to request the Government to take action at the proper time.

(NOTE — The member then read a passage from the Sapru Report).

This shows, sir, that it is necessary to check an evil in the very beginning, so that no grave consequences may follow when things take a serious turn.

THE HON'BLE MR. WAJAHAT HUSSAIN : Sir, I will take only two minutes. I regret that the Government cannot support this resolution of Sheikh Mohammad Amin. The only reason, as I stated yesterday, is that we should know what the Economic Board is to do. No body has explained that so far.

My speech was followed by the learned discourse of Moulvi Mohammed Abdulla, but his eggs were addled. He said that it would be the duty of the Economic Board to set up a serai, but he could not go beyond that. Even Mr. Kilam did not state the advantages and functions of this Board.

PANDIT JIA LAL KILAM : Will the Hon'ble Minister speak a bit louder?

THE HON'BLE MR. WAJAHAT HUSSAIN : My first objection to this resolution is that my kind friends should do some work. The Agricultural Board may be defective, but the members can make suggestions and explain how this Board should function.

MR. G. M. SADIQ : Who said that the Board is defective?

THE HON'BLE MR. WAJAHAT HUSSAIN : I said that. It is my opinion. What I mean to say is that the Board, which has already been formed, should do some work and thus we should consider whether it is necessary to have more Boards or not?

Now I will turn to my second objection. As stated by Sheikh Mohammad Amin it was the Sapru Report, to which a reference has been made in this House, which recommended the constitution of an Economic Board. Our Unemployment Committee may, similarly recommend that an Economic Board should be formed here. I would ask the House to wait till the report of the Unemployment Committee is published. There is much time yet. The Praja Sabha has been constituted for these very things. The Praja Sabha is not to hold its meetings for a session or two. It will continue for a long time, and everything will be accomplished in course of time. It is impossible for the Praja Sabha to do all work in a breath.

When the report of the Unemployment Committee is published, if it contains no recommendation for the appointment of an Economic Board or if the Government does not consider the recommendation, the member can then move a resolution in the Praja Sabha. The resolution is premature at present. Therefore it is hoped that the member will wait till the report of the Unemployment Committee is published. With these words, I oppose this resolution.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Hon'ble Members of the Praja Sabha! Perhaps you remember that there was an amendment to this resolution which stands in the name of Sheikh Mohammad Amin. He accepted the amendment and moved the resolution in the amended form. As no member spoke about the amendment, it was taken to have been accepted. The Rules require that if the members vote against an amendment, it should be rejected and the original resolution put before the House. But as Sheikh Mohammad Amin accepted the amendment and no other member objected to it, it was not considered necessary to do so. The amended resolution is :—

“This Praja Sabha recommends to the Council that a permanent Economic Board consisting of official and non-official members be appointed to suggest ways for the relief of Economic distress and unemployment and for the improvement of trade, industries and agriculture”.

You have got the Urdu translation of the resolution with you. It is now time that I should take votes on the resolution. Those of the members who wish the resolution to be passed in the amended form should write 'Yes'. Those who do not wish the

resolution to be passed should write 'No'.

(Votes were taken).

Somebody has put in a blank paper, no name, no vote, and no signature.

COLONEL ABDUR RAHMAN : Sir, the name is printed on the ballot paper.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : 35 Nos' and 28 Yes. Therefore the resolution is taken to be rejected.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Wazir Ganga Ram's Resolution stands first on today's list.

NOTE.—(The Assistant Secretary was asked to read out the Resolution).

"This Praja Sabha recommends to the Council that to keep up the standard of efficiency, a Public Service Commission be immediately established in the State and a Bill regarding it be drawn up and introduced in the House by the Government".

WAZIR GANGA RAM : Hon'ble President ! Nobody can have any difference of opinion with me regarding the golden principles underlying the resolution, about the establishment of a Public Service Commission, that I am going to move in the House now.

MIRZA M. A. BEG : Mr. Jagat Ram Aryan has given notice of a bill which pertains to the Public Service Commission. Wazir Ganga Ram's resolution also is on the same subject. If the resolution is put before the Sabha and the House gives a decision on it I think we shall, in that case, transgress Rule 27 of the Rules of Business and Procedure. I read out Rule 27 to your honour.

A motion must not anticipate a matter already appointed for consideration by the Assembly, whether it be a bill or an adjourned debate on a motion. In determining whether a motion is out of order on the ground of anticipation, the President must have regard to the probability of the matter anticipated being brought before the House within a reasonable time".

In my opinion this is the hitch and under this Rule the resolution cannot be moved. I request the Hon'ble President for a ruling.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : (Addressing Wazir Ganga Ram) Do you want to say something?

WAZIR GANGA RAM : Under these circumstances, I withdraw my resolution.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : What will be the effect suppose he withdraws the resolution?

THE HON'BLE MR. WAJAHAT HUSSAIN : The resolution is now before the House. It can be withdrawn only with the permission of the House. Rightly or wrongly the resolution is admitted and it is before the House.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Wazir Ganga Ram wants to withdraw his resolution. He is entitled to do so. But I will ask the House whether they want to discuss the motion or to allow Wazir Ganga Ram to withdraw the resolution.

THE HON'BLE MAJOR GENERAL NAWAB KHUSRU JUNG C. I. E., (Prime Minister) : The resolution is not moved.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : In the present case the motion has been moved. The mover has spoken about it. This is on the agenda.

THE HON'BLE MAJOR GENERAL NAWAB KHUSRU JUNG C. I. E., (Prime Minister) : Yes, a motion once moved should not be withdrawn without the permission of the House.

THE HON'BLE MR. WAJAHAT HUSSAIN : What will be your ruling on this matter.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : That comes afterwards.

THE HON'BLE MR. WAJAHAT HUSSAIN : I may make the position of the Government clear that it will have no objection whether the resolution be discussed or Wazir Ganga Ram be allowed to withdraw it.

MIRZA M. A. BEG : The Hon'ble Prime Minister said that the motion has not been moved. In this connection I shall read out the rule 72 (b) of the Rules of Business and Procedure.

"A member in whose name a resolution stands on the list of business, shall, when called on., either.....

(b) move the resolution in which case he shall commence his speech by a formal motion in the terms appearing on the list of business". This much has been done by the member.

MIAN AHMED YAR : Point of order! My colleague Mr. Beg has drawn your attention to the fact that a bill already received and admitted for consideration corresponds with this particular resolution so it is out of order. Now Wazir Ganga Ram, in view of the objection raised, wants to withdraw the resolution. Mr. Beg's point is quite right and the mover admitted that the resolution was out of order.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Wazir Ganga Ram did not discuss the point that the resolution should be rejected on the ground that it anticipates matter already under consideration.

MIAN AHMED YAR : We have no concern with his reasoning. In view of particular objection he withdraws.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : (Ruling) Wazir Ganga Ram moved a resolution No. 1 standing on today's list. After he had spoken a few words Mr. M. Beg objected to the resolution being moved on the ground

mentioned in rule 27, sub-rule (2) of the Rules of Business viz, the resolution is likely to anticipate a matter already appointed for consideration of the Praja Sabha.

As soon as Mr. Beg had raised the objection Wazir Ganga Ram offered to withdraw the resolution. Mr. Ahmed Yar raises the question whether the motion should not be disallowed on the ground raised by Mr. M. A. Beg. His contention is that the question should not be put before the House, whether the mover of the resolution should be allowed to withdraw it. In my opinion the resolution should be put before the House with a view to ascertain whether the House permits the withdrawal of the resolution. No occasion has arisen for the Chair giving a ruling as to whether the resolution, if moved, would anticipate a matter already appointed. I therefore order that the question be put before the House whether it has any objection to the resolution being allowed to be withdrawn by Wazir Ganga Ram.

WAZIR GANGA RAM : This question would be put under rule 77, sub-rule (2) of the Rules of Business.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Members of the Praja Sabha! Will you permit Wazir Ganga Ram to withdraw his resolution? Those who permit the resolution to be withdrawn, will please raise their hands.

(Hands were Raised).

I take it that Wazir Ganga Ram has been allowed to withdraw the resolution.

MR. ABDUL KARIM :

"This Praja Sabha recommends to the Council that Customs duty on cotton and cotton-seed be remitted, so that the zamindars may raise this crop in accordance with their needs".

Cotton cultivation is very much limited, particularly, because of the paucity of land. Even if it is cultivated, it cannot grow. For instance, cotton cannot grow in Ranbirsinghpura, Akhnoor, Kathua and many other parts of the State. Cotton is a necessity not only for the zamindar but for every individual. To meet the necessity it has often to be imported from other places, but the Customs duty causes a difficulty in this. The poor people are compelled to use foreign cloth, which is dearer and less useful than the home-made cloth. The use of this cloth involves the zamindars in heavy debts. Having these circumstances in view, I request the Government to remit the Customs duty on cotton.

SHEIKH MOHAMMAD AMIN : Sir, while supporting the resolution I submit that cloth industry is highly important. By assisting this industry, a great many difficulties will be solved. It will remove that difficulty of the department about which a resolution was moved last year in the Assembly, and it was requested that a

Tariff Board should be formed in the State under whose instructions the work should be conducted. The Hon'ble Finance Minister gave an assurance and promised that a Customs Advisory Board would be established. But the Board has not so far been formed.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : It has been formed.

THE HON'BLE MR. WAJAHAT HUSSAIN : The order has been issued only yesterday.

SHEIKH MOHAMMED AMIN : The fact is that if we import cloth or any other thing from outside, the Government charges Customs duty. This is the reason why no trade in cloth can be carried on here. Cottage industries are a need of the hour, because unemployment is on the increase. I would respectfully submit that if Customs duty on these commodities is remitted, there will be no appreciable fall in the revenues of the State, but the people will be benefitted a good deal. The fact that Customs duty has to be paid on cloth as well as raw materials is a great drawback. With these words I support this resolution and request the Government to reduce the duty. This resolution is very necessary for the encouragement of rural industries. The matter should, therefore, be given consideration.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : Sir, I think before giving notice of this resolution the member did not consider what would be the immediate effect of a reduction of duty upon the zamindars. A duty was imposed upon cotton-seed but it was wrongly interpreted. It was subsequently abolished and no duty is charged on cotton-seed now. If the duty charged on cotton imported from outside be abolished, the zamindars will be put to a great difficulty. The price of cotton produced in the State will go down and naturally it will not sell. When the price of wheat falls, a duty is imposed on wheat, imported from outside, with a view to creat a market for local wheat. The duty on cotton yields a revenue of Rs. 10,826 to the Government. If the Government will forego this amount, it will do so only for the benefit of the zamindars. It will not allow a reduction in the price of cotton and, at the same time, remit the duty, yielding ten thousand rupees. I think, after what I have spoken, the Hon'ble Member will withdraw his resolution.

MR. ABDUL KARIM : I withdraw this resolution.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The resolution cannot be withdrawn without the permission of the House. Those who are in favour of its being withdrawn, will please raise their hands.

(All Members raised their hands).

I declare the resolution to have been withdrawn.

The Assistant Secretary read out the following resolution :—

“This Praja Sabha recommends to the Council that arrangements be made for enrolling and granting licenses to trained and qualified nurses and doctors only to practise as mid-wives and unlicensed nurses be not allowed to practise as mid-wives”.

PANDIT AMAR NATH KAK : Hon'ble President ! I do not want to take much time of the House in moving this resolution. It was moved as a budget resolution in the last Srinagar session. The Government agreed to open classes for nurses in the hospitals at Jammu and Srinagar. It was hoped, that in compliance with the said resolution, the classes would be opened. It is said that a class has been opened at Jammu. We had also hoped that there would be a sufficient number of nurses in the Zenana Hospitals and the child and female mortality due to the carelessness of unqualified nurses would be stopped. With all this we find that there are very few qualified and trained nurses especially in the Zenana Hospital at Srinagar. In reply to one of my question, the Hon'ble Home Minister stated, in the last session, that there is one nurse for about every 25,000 of the population in the State. When asked whether this arrangement was sufficient, he replied that it is sufficient according to the present demand, because people do not pay attention to it. It is the duty of the Government to provide the best medical aid whether people pay attention to it or not. If that cannot be done, the medical aid to be provided should, at least not be detrimental to health. The present condition is that every nurse, whether trained or not, practises as a mid-wife in villages and even in town. I admit that it is not possible for the Government to provide a sufficient number of trained and qualified mid-wives in different villages and towns of the State all at once. That would render this resolution impracticable. Anticipating this, I have stated that “arrangement be made for enrolling and granting licenses to qualified nurses and doctors only”. I do not say that the unqualified nurses, who are practising at present, should be removed immediately. The Government should supervise the activities of the medical department and if the work is started, it should be started first in the important towns and then extended to the rural areas and no unlicensed nurse should be allowed to practise. In this way the Government will feel no difficulty and will be able to kill two birds with the same stone, that is, firstly qualified and licensed nurses will take to practice and secondly unqualified and unlicensed nurses will be removed. I have omitted the word “qualified”. The words in the resolution are “unlicensed nurses be not allowed to practise as mid-wives”. The intention is to have, in a very short time, nurses trained in western methods and holding diplomas. But so long as that **cannot** be achieved, the nurses who practise

as mid-wives at present should be taught the principles of hygiene through lectures (in hospitals) and magic lantern shows, so that they may pick up the principles of cleanliness and sterilizing. Steps should also be taken to check unscientific methods. When the nurse has acquired this knowledge, she should be granted a license and allowed to practise. So long as fully trained and qualified nurses are not available, they should be trained in Zenana hospitals. A similar resolution was moved in a session of the Praja Sabha and a recommendation was made to the Government that classes for nurses should be opened in the hospitals. The Government gave an assurance and said that such classes would be opened to help the public. To stop the evil, it is necessary to enroll trained nurses and then allow them to practise. Mr. Beg moved a resolution that druggists and chemists should be registered but the resolution lapsed. We find that one of the main causes of female mortality is the lack of untrained and unqualified nurses, and the unhygienic methods, that are now in vogue. A study of the Census Report shows that the rate of child mortality in the State is greater than the rate of adult mortality. This is an additional reason why we stand in need of trained mid-wives. This is a resolution which should be supported and I would at the same time submit that it should be accepted.

PANDIT JIA LAL KILAM : Hon'ble President : My learned friend has elaborately dealt with this resolution. Therefore I do not want to say much about it. A study of the Census Report shows that at present, the number of females in the State is less than that of the males and it is gradually decreasing. Between zero and five we find that the number of females exceeds that of the males. Upto the age of 12 girls exceed the boys in number. Between 12 and 20 the number of males increases, while that of the females goes down. The reason is that when the girls attain the maternity age, they fall into danger for want of efficient mid-wives. The mid-wives when available are not capable and are ignorant of the principles of mid-wifery. The people are unhygienic and do not follow the principles of cleanliness. If this disparity in sex is set right, the Government shall have no difficulty whatsoever. We do not want the Government to provide us with trained nurses at once, though I believe that it can be done. I think the Government should have no difficulty in this and even if there is any difficulty, steps should be taken to overcome that.

THE HON'BLE MR. WAJAHAT HUSSAIN : There need not be much discussion on this resolution. Pandit Amar Nath Kak does not want arrangements to be made immediately. If the resolution is passed in the present form, it will be complained afterwards that the Government did not take adequate steps in this behalf. If

Mr. Kak wants the resolution to be passed in the present form, the Government shall have no objection to it. Another point raised by the member is that the arrangements should be made in the cities now. It is to be regretted that many complaints are made against the Government, but the fact is that there is no proper propaganda of the work done by the Government. A study of the Cabinet proceedings of 5th March will show that an order has been passed, prohibiting all untrained nurses to practise in the cities of Jammu and Srinagar. If my friend wishes the Government to issue any such order, he should know that an order to this effect already stands. There remains the question whether it is carried out or not.

PANDIT AMAR NATH KAK : Is it for enrolling or granting licenses?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : "An unlicensed nurse be not allowed to practise as mid-wife". This is the order already issued by the Government. The Hon'ble Finance Minister has also sent us a note which shows that unlicensed nurses are not allowed to carry on practice in Jammu and Srinagar. Now the question is whether these orders are carried out or not.

PANDIT AMAR NATH KAK : Orders there are, but they are not followed.

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : For the last four years we have been trying to train nurses. Scholarships were also provided for mid-wives and nurses, but the difficulty is that we do not find any woman prepared to undergo this training. There is a class of women, willing to take to this work, but I am sorry to remark they are so poor that as soon as they get a little money they run away and are nowhere to be heard of. I would request my friend to send me applications from women who would like to learn this work.

MAJOR GENERAL RAO BAHADUR THAKUR JANAK SINGH JI : Are not mechanical women available?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : 'Robots' have been constructed in Soviet Russia, but we have received no news of the birth of "madame Roberts". Child mortality, no doubt, is high in the State. The same is the case in India. It is necessary to check it. The Government is ready to render assistance, but it is necessary to have social workers also. There are many families, which do not allow their women even to go out. Their honour lies in not allowing women from outside to visit their women-folk. There are yet other women, who do not want to go near any woman for several months during their pregnancy. The social workers should send such applications to us. When the

number of applications is sufficient and we feel sure that there are many women desirous of taking up this work, we shall lay stress upon the Government order being carried out. There shall otherwise be 99 per cent prosecutions, if we intend the order to be acted upon. Every family requires nurses, be they acquainted with the women or not. Therefore if we begin to get this order strictly obeyed now, we shall not be thanked but rather cursed. So far as this resolution is concerned, I assure Mr. Kak that it has been my constant effort to appoint trained mid-wives. The Government has sanctioned the appointment of ten mid-wives for the Srinagar hospital. There are twenty mid-wives in the Jammu dispensary. The number in Srinagar dispensary is quite inadequate. More mid-wives will therefore be appointed in Kashmir this year to make up this deficiency. We shall then try next year to appoint trained mid-wives in the mufassil.

The Government intended to depute some women, if available, to the Lady Harding College, Delhi; for training as nurses. No application was received for the last three years. An unfortunate woman made an attempt. But when she reached the college, she was found to be suffering from T. B. and she had to return. No application was received afterwards. The other day I received one more application I have sent it to the Chief Medical Officer to see if the applicant is fit or not.

I submit that the Government does not stand in the way. Several times we requested the people to help us in this behalf but, it is sad, that there was no response. If we consider the resolution in the form in which it has been submitted, I would say that Mr. Kak should withdraw it immediately. The purpose of the resolution is being fulfilled, and it is difficult for the Government to act upon this resolution. He should wait for six months more.

SHEIKH MOHAMMED AMIN : Whatever the Hon'ble Home Minister has stated is true to some extent, but the greatest difficulty is due to the educational restrictions. An educated woman is at once appointed as a teacheress and therefore she does not feel it necessary to become a nurse. Some five or six girls were prepared to learn mid-wifery but when they went to receive the training, the same educational restrictions stood in the way.

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : I shall speak to Sheikh Mohammad Amin about it, and will do whatever can be done in this respect.

PANDIT AMAR NATH KAK : I have explained it, Sir, I mean that immediate steps may be taken. My explanation is before the Government and if the Government wants that the words of the resolution should be made more elastic I am prepared to do it. Let the Hon'ble Home Minister suggest what change in the wordings of the resolution he wants and I shall be prepared to accept

it in that form. May I confine it to Municipal Towns? Will it do? But I must urge that arrangements be made as early as possible for enrolling and granting licenses, and trained and qualified nurses and doctors only should practise as mid-wives and unlicensed nurses should not be allowed to practise as mid-wives in the Municipal Towns. May I put it in that form, Sir?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : I have no objection, Sir. I agree to it.

A VOICE : Under what rule, Sir.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : As it seems that no other member is going to speak therefore, I put the question before the House.

Having heard the Hon'ble Home Minister's speech, Mr. Kak propose to add these words to his resolution :—

1. Arrangements be made "as early as possible", and
2. In the Municipal towns.

The amendment that has been moved now and agreed to by the Government, cannot be accepted unless it is put to the vote of the House. There is no Rule about it in the Rules of Business and Procedure. Therefore, the Rule pertaining to amendments, in general, shall have to be applied, and votes taken on it. The question therefore is whether the amendment should be accepted or not.

MR. G. M. SADIQ : Will the Hon'ble member refer to Rule 76 of the Rules of Business and Procedure.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It does not apply. That is regarding notice of amendment. The amendment should be moved. It is purely a technical question and the rule should apply to the amendment by the mover himself. I do not see why, specially, if the House permits, it should not be allowed. I would like to take the sense of the House. If the resolution is put in the present form, it will defeat its own end, because the Government cannot act upon it. Therefore it is my duty to put the resolution before you in both forms :—

1. This Praja Sabha recommends to the Council that arrangements be made for enrolling and granting licenses to qualified nurses and doctors only to practise as mid-wives and unlicensed nurses be not allowed to practise as mid-wives.

Amended form :—

This Praja Sabha recommends to the Council that arrangements be made as early as possible for enrolling and granting licenses to trained and qualified nurses and doctors only to practise as mid-wives and unlicensed nurses be not allowed to practise as mid-wives in the Municipal Towns.

COLONEL ABDUR RAHMAN : Will uneducated persons also be employed?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) :
No, only educated women.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :
Those who have no objection will please raise their hands.

(Hands were raised)

The Government accepts the resolution in amended form.
It will therefore be taken to have been passed.

RESOLUTION 4 OF SHEIKH ABDUL HAMID.

PANDIT AMAR NATH KAK : The mover is not present, Sir.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :
I suppose he is temporarily away.

PANDIT AMAR NATH KAK : Yes, Sir.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :
Another Hon'ble member may speak on his behalf.

A VOICE : Rule 72 bars it!

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :
Under Rule 72 the resolution falls through.

RESOLUTION NO. 5 OF KHAWAJA AKBAR DAR.

KHAWAJA AKBAR DAR : (Written speech) "This Praja Sabha recommends to the Council that a durable bridge on which tongas and motors may easily pass be constructed over Sindh Nullah at Voyil, tehsil Srinagar".

Sir. The Sindh valley extends over a vast expanse including hundreds of villages. It is four 'paraos' or fifty miles long. The valley has so far been deprived of the ordinary works of public utility. In the Kashmir valley almost all the roads have been metalled and made fit for tonga and motor traffic. The Srinagar-Pahalgam, Srinagar-Lolab, Srinagar-Tangamargh and Srinagar-Bandipore roads may be cited as examples.

If there is any road which has been ignored, it is the Sindh valley road, and this is the most important road, because it forms part of the Ladakh Road and leads to other frontiers. The road leads to Gangabal, a place of pilgrimage, and near Baltal branches off to Amar Nath, another place of pilgrimage. Many people go to the pilgrimage by this route. It is regrettable that a road of prime importance, as this one, should have been neglected in the interests of other less important roads. The road is in a very bad condition, and particularly the Voyil Bridge, which stands on the road, is a cause of danger to human-life. It is not fit for wheeled traffic which has therefore been stopped. It is therefore very necessary to remove this danger.

Another point that needs consideration is that the Sindh

Valley is an attraction to the visitors. Besides fish, they find plenty of game, big and small, in the valley, but it is because of this bridge that they can derive no benefit from these amenities. They have to say good-bye to their car when they reach the bridge, where they cannot get their necessities, because it is not a station. The rich and the poor are alike put to trouble. It is therefore submitted that this bridge may immediately be made fit for lorry and tonga traffic, so that tongas and lorries may at least go upto Kangan, which is a 'parao' (station) and a central place. I have a fervent hope that this resolution will be passed in the interests of public welfare.

MR. M. A. BEG : Sir, the poverty of our country is mainly due to the fact that the means of communication have not received the attention that they deserved. Things are growing worse and the misery of the poor is on the increase. In many localities the children of the poor cannot acquire education, because of defective means of communication. My learned friend, the mover, has explained all the circumstances in detail, and has stated that this is a very important road in the Illaqa. It has also to be borne in mind that if a pacca bridge is constructed it will lead to the prosperity of the people living in the valley. I would therefore submit that attention should be paid to the repairs of the bridge. I am afraid if the Government will not consider these petty demands sympathetically, it will cause much disappointment. The Government should welcome at least these petty demands. I hope they will accept Khawaja Akbar Dar's resolution.

PANDIT RAM CHAND RAZDAN : Hon'ble President. It is very necessary to construct a pacca bridge here because this road leads to Swami Amar Nath's shrine, and many visitors pass over it. A pacca bridge should, therefore, be constructed and the resolution accepted.

LALA SHIV NATH NANDA : Sir, I too support this resolution.

THE HON'BLE MR. WAJAHAT HUSSAIN : Sir, this bridge is on the Ladakh Road and is at a distance of 25 or 26 miles from Srinagar. It is not, at present, open to wheeled traffic but pedestrians and ponies can pass over it. It is three years now, that the Council was requested to provide funds for the construction of this bridge, but owing to financial stringency the bridge could not be constructed at that time. I have a great sympathy with the mover and feel that a pacca bridge should be constructed. We should, as a matter of fact, try to improve the condition of the Ladakh roads as far as possible. It will develop trade, especially trade in namdas. It is to be regretted that in the course of his speech, Mr. Beg remarked that the means of communication are very bad in the Kashmir Valley. I think he will not find so many means of communication in any part of India. There is hardly a

place in Kashmir to which a kachha road does not lead. It is our constant effort to improve the means of communication of the State as far as possible. This year for instance, an urgent need was satisfied by constructing a road from Akhnoor to Mirpur. Attention was also paid to the Bhadarwah Road. The Government has no objection in accepting the resolution in the form in which it has been put before the House. The only condition is that they cannot promise to construct the bridge immediately. A provision will be made in the budget this year for the Voyil Bridge, and if funds are granted, the work will be taken up immediately. The bridge will not cost much. I think twenty five or thirty thousand rupees will suffice. The Government accepts the resolution.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The resolution need not be put to vote because the Government have accepted it.

THE HON'BLE MR. WAJAHAT HUSSAIN : But there is no time limit, Sir.

RESOLUTION NO. 6.

The Assistant Secretary read out the following resolution of Lala Shiv Nath Nanda :—

“This Praja Sabha recommends to the Council that a Commission consisting of five official and non-official members be appointed to grant State lands to those educated young men, who are willing to take up agricultural work, so that after enquiry the Commission may submit a scheme, which can enable these educated youths to have full meals”.

LALA SHIV NATH NANDA : Sir, I think the Hon'ble members have heard the resolution that is now before the House. I hope they will all support it. One of the resolutions moved in this Session was about the constitution of a Board to remove economic depression from the State. It was stated that the Board should explore some means for the betterment of the zamindars also, so that the condition of the people may be improved. My resolution pertains particularly to educated young men. My learned friend, Mr. Amar Nath Kak said, in one of his speeches, that there are about at least three thousand men out of employment. They get nothing to eat. Those of my learned friends, who read papers, must have read that the Government of India also appointed a Commission and recommended the grant of land to such educated young men, who would like to take to agriculture. I have got with me a copy of the October issue of Milap, in which it has been stated that the Government has sanctioned the grant of 125 marlas of land to educated young men. 175 graduates submitted applications and a recommendation was made for land being granted to

them. Education is deteriorating day by day and we find no educated young men taking to trade after completing his education. The educated young men, who leave schools and colleges after wasting hundreds of rupees of their parents, knock the doors of the Government for the sake of jobs. It is only a few days that a post fell vacant in the Dharmarth Department, and applications were invited from the zamindars to fill the same. So far as I know, the department has received 113 applications from qualified young men for this post which carries a salary of fifty three rupees. The applicants include M. A.'s, B. A.'s and LL.B.'s. I was very much aggrieved to find such educated young men run after this petty post, and just then, it occurred to me that we should request the Government to grant the unoccupied areas of land to educated young men, so that they may take to agriculture and earn a living for themselves. Those of the Hon'ble Members, who read papers, know that many young men, being tired of unemployment, committed suicide. Such cases are on the increase. The reason is that when they leave schools and colleges after spending on their education the money, which their parents have earned with the sweat of their brow, they find no work that would enable them to earn a living. The condition of young men is very bad, and is going from bad to worse. Those, who have only a little education, earn a living by running a shop etc., but M. A.'s, B. A.'s and other highly educated young men do not find themselves fit to resort to any means of livelihood except service, because they want work in keeping with their position. In his speech, my learned friend, Mr. Ahmed Yar said that when the Economic Board functions properly, even the poorest man will get a living, and the condition of trade, industries and agriculture will improve. He has made a demand for a Board, but I would submit that the Commission, for which I have made request in my resolution, should be appointed first as an experimental measure. If it proves successful, the other Committees that are being demanded will also succeed. It has been stated that several Committees, for instance, Agriculture, Industries etc., have already been appointed but the appointment of this Committee is most important in order to provide every educated young man with bread. If we find employment for the educated young men of the State, the question of unemployment will automatically be solved. I would request the Government to help the educated young men. It should therefore be the foremost duty of the Government to support this resolution. I hope that hundreds of educated young men will be employed, and the dangerous situations that arise because of their unemployment will naturally come to a close. I will not therefore take much time of the House. I think the Government will itself accept the resolution. So far as I know, no member in the House

will desist from supporting this resolution.

MOULVI MOHAMMED ABDULLA : My amendment should also be accepted.

LALA AMAR NATH KOHLI : Hon'ble President. Lala Shiv Nath Nanda's resolution purports to grant a little land to educated young men to enable them to take to agriculture, so that they may try to derive the maximum benefit out of this small area of land. I support this resolution because agriculture is in a primitive stage here, and stands in need of an improvement. Under the present methods of cultivation, we can derive very little benefit out of a vast area of land. An educated man can, on the other hand, derive much benefit out of a small area. He can do, in a short time, what would take fifty years under the methods that are followed now. By adopting scientific methods he will get much advantage from the agricultural land, will eschew other pursuits and feel an inclination towards agriculture. The methods of cultivation, the manure and the implements, that an educated man will use, shall serve as an object lesson for the other zamindars.

The fact is that our educated young men have no capital. They spend the father's earnings over their education. They cannot therefore run any business, nor can the Government provide them all with jobs. Under these circumstances it would be better to grant them some land. This will benefit the Government a good deal, because educated young men have fertile brains and can do much to increase the produce, and left out of employment, will prove a danger.

There is not much time now, because the Government have also to give a reply. Therefore I close my speech and support the resolution.

MAJOR GENERAL RAO BAHADUR THAKUR JANAK SINGH JI : Sir, so far as I remember and the other Hon'ble members also know, the Government has recently appointed an Unemployment Commission to explore means to tackle the problem of unemployment. The questionnaire has been published and I have got a copy with me. One of the questions was whether the Government should grant land to graduates and educated young men, as has been done in the Punjab. This is a definite question before the Commission. They will surely give a definite finding on this point. The report of the Commission should be awaited. The same has been done in the case of to-day's important resolution regarding the constitution of an Economic Board. This resolution is therefore pre-mature.

SHEIKH ABDUL HAMID : Hon'ble President ! Leaving aside the fact that the question is before the Commission, I would briefly like to invite your attention, and through you, that of the House to a few facts.

There is a limited quantity of agricultural land in the State and against this the population of the State is increasing every day, not only in cities but in the villages as well. The increase is particularly significant in the villages. The villages depend largely, rather solely, on agriculture. If the resolution is accepted, it would mean that land should be granted to non-agriculturists who maintain themselves by trade, industries and money-lending, and snatched away from agriculturists, who depend wholly and solely upon agriculture.

A VOICE : That is not the intention.

SHEIKH ABDUL HAMID : The intention is exactly the same. It has been stated clearly that agricultural land should be granted to those educated young men, who want to take up agricultural work. The words are not that educated young men from agricultural classes should be granted a part of agricultural land''. The meaning of the words can be the same as appears from the words themselves.

معنی شعر در شعر نه در بطن شاعر

"The meaning of a verse is in the verse ; not in mind of the poet''. The meaning of the words is in the words, not in the mind of the composers.

There is another point, Sir, which deserves the attention of the House. The present system of education does not make people fit for agriculture but renders even those who are agriculturists by profession unfit for it. They no longer remain fit for turning to agriculture, the ancestral profession which they have been following from generation to generation. It is a false hope to take to agriculture and plough land after receiving the modern education. It is impossible for an educated man to earn his living in this way. If the resolution is accepted, the result will be nothing but the creation of a class, like the contractors, who obtain contracts from the Government, get the works done by poor labourers and earn a profit for themselves. These educated men will do nothing themselves. If they are granted land for cultivation the work shall have to be done by the zamindars, and they will get one-third, one-half or two-thirds of the crop. The man, who sows the seed with his own hand, ploughs the parched land with the help of his oxen, keeps a watch over the crop and exposes himself to the inclemencies of hot and cold weather, shall thus have to work for the benefit of one who reposes himself easy on his cot, knows nothing of the outside world at the time, is little aware that the zamindar has to face the bear and the lion, to suffer manifold miseries, depriving him of a sound sleep in his home, and making him restless for a handful of grain. Under these circumstances, this resolution is not acceptable. As stated by General Janak Singh, a Commission has already been appointed in the State, which will examine the

question whether educated young men should be granted agricultural land or not. The Commission has been appointed by the Government. The resolution is therefore quite premature, and circumstances require that the Commission should not be appointed as yet.

My learned friend Lala Amar Nath Kohli has supported the resolution. He is a graduate, owns agricultural land, is a *zaildar* and a rich man. I ask him if he has ever cultivated land. Even if he did, he must have done it as a pastime. It does not mean that every unemployed educated man can take up agricultural operations after passing B. A. or M. A. examinations. I am not therefore in favour of agricultural land being granted to educated young men.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : There is an amendment, but before it is moved, it has to be made sure whether it can be admitted or not.

MOULVI MOHAMMAD ABDULLA VAKIL : The purpose of my amendment, as that of the resolution, is to solve the problem of unemployment. It would be all right, if it could be solved by granting State-owned land to educated young men, who may cultivate it themselves. There should, otherwise, be no restriction for the grantee being educated. So far as I can think, we have to ascertain the growth of unemployment.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : My question is that we have to see whether the amendment is admissible under Rule 29 or not. On reading the Rule, I doubt whether I should admit it or not, before it is commended to the House. The Rule is that an amendment which has the effect of a negative vote, may not be moved.

MOULVI MOHAMMAD ABDULLA : I do not deny that. I will discuss that point later.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You say that land should not be granted to educated young men alone. If the amendment is made, it will render the resolution ineffective. The resolution may be rejected by a majority of votes, but this purpose cannot be achieved through an amendment.

MOULVI MOHAMMAD ABDULLA VAKIL : I wish the amendment to be admitted so that both the educated and uneducated may not remain out of employment. The question to be discussed will then be that State land be granted to the unemployed, irrespective of the but this purpose cannot be achieved through an amendment.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Before I give a ruling, do you want to say any thing about the grantees being educated or uneducated?

MOULVI MOHAMMAD ABDULLA : I do not want to say any thing before the ruling is given. If the amendment is held to be

valid, I will discuss it.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Let me hear what you have to say and put the resolution.

MR. M. A. BEG : I say that it is not according to law.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : An amendment may or may not be moved. It is the duty of the President to permit or disallow any amendment under the Rules.

MR. M. A. BEG : Under Rule 29, an amendment may not be moved, which has the effect of a negative vote. The Hon'ble Member has moved an amendment by virtue of which he desires land to be granted to the unemployed, in general, and not to educated unemployed only. Technically we should not do it. Crores of people are unemployed. It is an arguable point as to who are to be taken as unemployed. If the word is not properly interpreted, the result will be that every individual, whether educated or not, will get a small piece of land, and the object of the resolution will be nullified. If land is to be granted to solve the problem of educated unemployment, the amendment ought to have been that it should be granted "on the condition that they will cultivate it with their own hands and shall not let it out to others". Who can say peasants are not unemployed? They are also unemployed.

THE HON'BLE MR. WAJAHAT HUSSAIN : May we have the Ruling next day?

A VOICE : It will take two minutes only !

PANDIT AMAR NATH KAK : It may be put off to the next non-official day for resolutions.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : All right. We will put it off to the next day.

The House adjourned till the 14th of April 1937 (Wednesday).

THE
JAMMU & KASHMIR PRAJA SABHA DEBATES

(Official Report)

VOLUME VI
PART V
(14th April 1937)

SIXTH SESSION

OF THE FIRST

J. & K. PRAJA SABHA.



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JAMMU & KASHMIR PRAJA SABHA.

Wednesday *14th. April, 1937.*
2nd. Baisakh. 1994.

The Praja Sabha met in the Praja Sabha Chamber at eleven o'clock at Ajaib-Ghar. Mr. President (The Hon'ble Sir Lal Gopal Mukerjee Kt.,) in the chair.

QUESTIONS & ANSWERS.

253. PANDIT AMAR NATH KAK (Srinagar City North, Hindu): Will Hon'ble the Home Minister be pleased to state, whether it is a fact that on audit it was found that serious irregularities had been committed by Mr. Mohammad Khaliq, clerk of the office of the Assistant Inspector of Schools, Anantnag Division ?

If the answer be in the affirmative, will the Hon'ble Home Minister be pleased to state what action was taken against him ?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): The answer to the first part of the question is in the negative. The second part of the question does not arise.

254. PANDIT AMAR NATH KAK: Will Hon'ble the Home Minister be pleased to state why the Inspector of Schools, Kashmir Circle and his Assistant have made it a practice to recruit almost cent per cent Muslims in the lower grades of teachers where there is already a great preponderance of the Muslims ? Will Hon'ble the Home Minister be pleased to state what the number of the fresh appointments in the Primary Schools in this circle during the last two years was, and how many of them were Muslims ?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): The answer to the first part of the question is in the negative. In the last two years 27 vacancies were filled up, out of which 16 posts were given to the Mohammadens and 11 to the Hindus.

255. PANDIT AMAR NATH KAK. (a) Will Hon'ble the Home Minister be pleased to state why the Inspector of Schools, Kashmir Circle, discharged one Pandit Lassa Kaul Kokroo, on the ground that he was weak of hearing while this teacher had a record of about 15 years satisfactory service to his credit; and why in the case of a teacher of Tulamula, who is utterly unfit

for service and another teacher of Ranga Teng whose voice is too hoarse to be heard or understood by the students, no action was taken?

Note:—Names of these two teachers will be given subsequently.

(b) Will Hon'ble the Home Minister be pleased to give reasons for this invidious distinction and will he be pleased to take steps to undo injustice done to Lassa Kaul Kokroo?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): (a) The Inspector of Schools Kashmir reports that Pt. Lassa Kaul has not been discharged but given compulsory leave and ordered to produce medical certificate as he was weak of hearing.

No complaint has been received against these teachers.

(b) This question does not arise.

PANDIT AMAR NATH KAK: Regarding part (b) it has been stated that no complaint was received. Is not it a fact that the Director of Education had himself visited the school and seen the teacher.

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): I have no knowledge of that please. Give the name.

PANDIT AMAR NATH KAK: My submission is regarding the teacher at Pola Moha.

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): I have no knowledge of that.

PANDIT AMAR NATH KAK: Your Honour stated that no complaint was received. But when the Director has himself witnessed all this, what further complaint was necessary.

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): I received no information. In connection with the enquiry which I made there was no such report regarding this matter.

PANDIT AMAR NATH KAK: Is it a fact that the Director visited this school?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): I don't know that.

256. PANDIT AMAR NATH KAK: Will Hon'ble the Home Minister be pleased to state whether it is a fact that one Mr. Ali Malik, Store-keeper Head Quarters Scout Commissioner's Office, Srinagar was suspended on the charge of criminal misappropriation or defalcation about a year ago?

If the answer be in the affirmative, will the Hon'ble Home Minister be pleased to state why a matter of such a serious

nature has been allowed to remain undecided for such a long time ?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): Yes. There was a charge of criminal misappropriation of Rs. 151 against this Store-keeper and hence he was dismissed.

PANDIT AMAR NATH KAK: My figure is only Rs. 15 and not Rs. 151.

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister: I am sorry, it is a mistake.

PANDIT AMAR NATH KAK: Will Hon'ble the Revenue Minister be pleased to state whether it is a fact that an employee of the Sericulture Department was sentenced to six months' imprisonment for a criminal offence and was re-appointed to his original post on the expiry of his sentence? If the answer be in the affirmative, will Hon'ble the Revenue Minister be pleased to state whether his re-appointment was justified? If not, why is he allowed to hold the office? (The name of the employee is said to be Mohammad Khan).

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): (a) Yes, if the name of the person referred to is Mahada Khan.

(b) Yes. His re-instatement was considered necessary in the interest of the Government because he is a specialist in Seed Reproduction operations.

(c) Does not arise.

258. MIAN QURBAN AHMED (Kathua Muslim): Will the Hon'ble Revenue Minister please state, the total number of Patwaris and Girdawars in the Kathua District? How many of them are Muslims and how many non-muslims and how many of them are agriculturists and how many non-agriculturists? It may also please be stated as to how many are inhabitants of Kathua District?

(b) How many Muslim Patwaris (after being degraded or without any reason) were transferred to other districts within the last two years and how many officers had reported in their favour and against them? The names of the Patwaris may also be very kindly stated?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): (a) There are 7 Girdawars and 89 Patwaris in the Kathua District. Of these, 3 Girdawars and 11 Patwaris are Muslims and the rest non-muslims. 6 Girdawars and 76

Patwaris are Agriculturists and the rest are non-Agriculturists. 2 Girdawars and 66 Patwaris are residents of Kathua District which is mostly inhabited by Hindus.

(b) During the last two years only one muslim Patwari, Najam-ud-Din by name, has been degraded and transferred to Udhampur District. This action was taken on 5 reports received from 3 subordinate officers on various occasions against him.

MIAN QURBAN AHMED: Is it a fact that at the time of enquiry the Tehsildar of Basohli wrote that he was quite innocent?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): It is not known.

259. MIAN QURBAN AHMED: Will the Hon'ble Revenue Minister please state the total number of the Moharrirs and Peons of the Wazarat and Tehsil of Kathua? How many of them are Muslims and how many non-Muslims, how many of them are agriculturists and how many non-agriculturists, and how many of them are permanent and how many temporary?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): There are, in all, 30 Moharrirs and 56 Menials in the Wazarat and Tehsils of Kathua. Out of 30 Moharrirs 4 are Muslims and 26 non-Muslims, 25 Agriculturists and 5 non-agriculturists, and 29 permanent and one temporary. Out of 56 menials, 15 are Muslims, 39 non-Muslims and two Harijans; 51 Agriculturists and 5 non-Agriculturists, all are permanent. Kathua District is mostly inhabited by the Hindus.

260. MIAN QURBAN AHMED: Will the Hon'ble Revenue Minister please state whether the grazing fee at Bhadarwah is one and a half anna per sheep and it is three annas per sheep at Basohli and other Tehsils?

(b) If the answer be in the affirmative, will the Hon'ble Revenue Minister please state reasons for the above difference?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): (a) 1st Part:—Yes.

2nd Part:—No, it is variable as explained in part (b) below.

(b) In the Bhadarwah Tehsil the Kahcharai tax is fluctuating while in Basohli it is fixed. Standard rate is -1/6 per sheep throughout the State, but owing to the internal increase or decrease of livestock, the bachh rates vary annually.

MIAN AHMED YAR: But is there any rate to effect a decrease in the Bachh when the decrease in the livestock be more than 50%.

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble

Revenue Minister):

Rules regarding these are quite clear.

MIAN AHMED YAR: Then, why are such rules not followed in this District also?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister):

The practice followed there is in accordance with the rules.

261. MIAN QURBAN AHMED: Will the Hon'ble Revenue Minister please state the census figures of Basohli in the years 1901, 1911, 1921 and 1931 and at present and what are the causes of the decrease?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister):

The Census figures of Basohli for the years 1911, 1921, 1931 and at present are given below:—

1911	...	...	65339
1921	...	...	65479
1931	...	...	65976
At present	...	...	65901

The records for 1901 not being available the figures for that year cannot be given.

It will be seen that there has been no decrease from 1911 to 1931. The decrease of 75 since is insignificant and calls for no explanation.

MIAN QURBAN AHMED: Is it for the Basohli proper or for the entire Tehsil that these figures have been stated?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister):

These figures are for the Tehsil.

MIAN QURBAN AHMED: My question was about the town.

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister):

You send another question and these figures will also be supplied.

262. MIAN QURBAN AHMED: (a) Is it a fact that the Government is responsible for the backwardness of Basohli because from the time Bhadarwah has been amalgamated with the State the trade of Bhadarwah-Basohli has come to a stand still?

(b) Are Government after repairing the Basohli Bhadarwah and Kathua-Basohli roads and constructing a bridge over the

Ravi prepared to provide every kind of facility for Basohli ?
If not, why ?

THE HON'BLE MR. WAJHAT HUSSAIN (HOME MINISTER):

(a) No.

(b) The Government has sanctioned a sum of Rs. 24000 for the construction of Kathua-Basohli road in the current years Budget. I do not know what other facilities the Member refers to.

263. LALA SHIV NATH NANI A Srinagar City (Hindu other than Kashmiri Pandits).

(a) Is it a fact that there have been complaints in the papers regarding the "State Record" (Muhafiz Khana) that an expert who is thoroughly well acquainted with the work may be appointed there because the public is greatly inconvenienced in the receiving of copies ?

If the answer be in the affirmative, will Government remove this grievance ?

COL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister):

There are about 13 Muhafiz Khanas in the State and unless the Honourable Member will state which Muhafiz Khana he refers to, it is impossible to reply to this question.

264. LALA SHIV NATH NANDA: Is it a fact that the Government in reply to one of my questions, give an assurance that a shed would be constructed on the Customs House, Sochetgarh ? If the reply be in the affirmative, will the Hon'ble Finance Minister be pleased to state as to whether any shed has been constructed ? If so, what has been the expenditure incurred on it and is this shed such as would afford shelter to the visitors in the sun and the rain ?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH (Finance Minister): Funds have been provided and a Customs House with suitable accommodation for the staff and visitors is being built at Suchetgarh this year.

265. L. SHIV NATH NANDA: Has Government prepared any scheme for filling up the deep pits in Srinagar which are under the possession of the Revenue Department so that the stink produced on account of the collecting of water in them may be removed ?

COL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): Disposal of proprietary right of such low lying lands on the express condition that these will be filled up within two years is in progress.

266. L. SHIV NATH NANDA: Is it a fact that the Government in reply to my question regarding the establishment of

common market, has always stated that they would establish it very soon? If the reply be in the affirmative will the Hon'ble Revenue Minister be pleased to state as to what do they mean by the words "very soon" and when will the scheme of setting up a common market be carried into effect?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): The recommendations for establishing a Fruit Market at Srinagar have already been submitted, and two applications in this connection have been recommended. The question is awaiting final orders.

It may be stated that the Fruit Growers Association that has been started on a co-operative basis will take the business of opening a Fruit Market in hand at Srinagar, as soon as it starts work.

LALA SHIV NATH NANDA: In my question I have not asked regarding the Fruit Market. I had asked about the Common Market.

MR. PRESIDENT (THE HON'BLE SIR LAL GOPAL MUKERJEE KT) (Addressing the Hon'ble Revenue Minister). He says, that the question is about common market and not about fruit market.

THE HON'BLE MR. K. N. KNOX (Revenue Minister):

I have seen some papers in this connection. There is some question about the land supposed to be used as common market and for lorry 'Adda'. As long as I do not go to Srinagar and see the Inspector General of Police, Governor and President Municipality I cannot decide the matter.

267. LALA SHIV NATH NANDA:

Will Government please state the total amount of arrears of land-revenue and arrears of Abiana of Tehsil Jammu and what are the reasons for not recovering these arrears and in what period can these amounts be recovered and what are the means which are being adopted for this purpose?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister):

(a) Arrears of land revenue ...	...	...	24913
(b) Arrears of Abiana ...	...	...	73000

As for (a) most of these arrears are to be remitted as will appear from the statement below:—

(1) Arrears due to transfer of land to Departments like Game Preservation, Home Farm etc.,	11744
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(2)	Arrears to be remitted	5,033
(3)	Arrears due to non-payment of revenue.				
	(Auction proceedings are in progress)	2,198
(4)	Arrears due to surrender of land	...	...	...	2,900
(5)	Net recoverable...	...	...	...	3,038

It will thus appear that an amount of Rs. 3038/- only is recoverable. Necessary measures have been adopted by the Tahsil Agency for recovery.

As for No. (b) the statement below shows the details:—

(i)	Due from Departments like Dharmarth, Privy				
	Purse etc.,	...	...	...	42,700
(ii)	Due from Jagirdars and Zamindars	...	...	...	30,300

The Tahsil Agency is adopting necessary measures for recovery of No. (b) and hopes to recover it within a year.

268. MIAN AHMED YAR, Muzaffarabad (Muslim): Will the Hon'ble Revenue Minister please state as to how many and which officers of the Forest Department in Tehsil Muzaffarabad were promoted to what higher posts during the past four years? How many of them were Muslims and how many non-Muslims and if the seniority of any Muslim employee was ignored the reasons for it may be stated? Moreover what objections the Government have in promoting the local experienced Foresters to the posts of Rangers by reason of their long standing service and paying large amount of land revenue?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): The following statement gives the requisite information:—

FOREST RANGERS.

1.	Pt. Shambu Nath Kaul	from III to II grade	from 1-12-92
2.	M. Abdur-Rahman Mir	V to IV	1-7-90
3.	L. Davindra Nath	" "	1-7-93
4.	R. Gurcharan Singh	VI to V	1-5-93
5.	M. Ali Shan Khan	IV to III	8-9-93

FORESTERS.

1.	Ch. Lok Ram	from II to I grade	from 1-12-92
2.	P. Dina Nath	III to II	1-10-91
3.	Pt. Kanth Kaul	IV to III	1-12-92
4.	M. Bala Khan	" "	1-5-93
5.	P. Madhou Ram	V to IV	1-7-90
6.	P. Prakash Ram	" "	1-12-92
7.	M. Mohammed Hussain I	" "	"

8 M. Mohammed Hussain II V grade " 1—8—90
(from F.G. to Ftr.)

FOREST GUARD.

Mohar Singh F.G. 16/- to F.G. 18/- grade from 16-10-92		Muslims	Non-Muslims.
Rangers	...	2	3
Foresters	...	3	6
Forest Guard	...	—	1

Seniority of no Muslim was ignored in Muzaffarabad Tehsil during past four years, but the above statement will show that the following Muslims superseded Non-Muslims against the seniority list during these four years :

M Ali Shan Khan

M. Bala Khan

M Mohammed Hussain (I)

M Mohammed Hussain (II)

The promotions are given according to the work and seniority and not by Tehsil.

The local Foresters in Muzaffarabad are:—

1. M. Bala Khan	...	Rs. 40
2. M. Barakat Ullah	...	Rs. 35
3. R Mohammed Hussain	...	Rs. 35
4. S. Gian Singh	...	Rs. 25
5. R. Mohammed Hussain	...	Rs. 25

The seniority of these Foresters on the General List are 93, 112, 143, 146 and 177 respectively. It will, thus be seen that they could not be selected for promotion to Ranger Grade without superseding a very great number of other Foresters.

Note.—Col. Baldev Singh Pathania who spoke on behalf of the Hon'ble Revenue Minister was directed by the Hon'ble President to read last portion of the question.

269 MIAN AHMED YAR: Will the Hon'ble Home Minister please state as to how much money in the form of University examination fees was sent to the Punjab University from Jammu and Kashmir in 1935 and why this income from the fee should not be made use of in converting the offices of the Director of Education and Special Muslim Inspector into a University office and having a Jammu and Kashmir University of our own.

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): Rs 33,379. This is a very small amount for starting a University. The cost of University whose degrees will be recognised by other Universities will be very expensive.

270. MIAN AHMED YAR: Will the Hon'ble Home Minister, with a view to providing facilities to backward people of Muzaffarabad in the matter of receiving College education make provision for awarding them special scholarships like those awarded to the students of the Frontier Districts of Gilgit and Ladakh?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): There is no intention to award such a scholarship to the people of Muzaffarabad.

MIAN AHMAD YAR: What is the reason for that?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): Since the frontier students are yet backward in education, therefore, scholarships are granted to them. They cannot be granted to people of other places.

MIAN AHMED YAR: Does this mean that the people of Muzaffarabad are not more backward in education than the Frontier people. The illaga of Muzaffarabad also extends over three to four hundred miles and the people are backward in education.

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): They are not more backward than the Frontier people.

271 MIAN AHMED YAR: Will Government please state:—

- (i) Whether Town Area Committee has been formed in Muzaffarabad town, Muzaffarabad District?
- (ii) Whether Dharat, i.e., octroi duty is charged for those goods which are imported within the Town Area limits?
- (iii) What are the reasons for realizing grazing fee from the people residing within the Town Area Committee when they have to purchase grass for their cattle? and
- (iv) Why the financial condition of the Town Area should not be improved by transferring in its favour the amount of land-revenue of the areas which are situated within the Town Area Committee.

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister):

1. Yes.
2. Yes.
3. In area of 829 Kanals, six marlas has been reserved for grazing purpose of the Town; hence the realization made is justified.

4. The land Revenue is not a local fund and cannot be transferred to local bodies. 50% of the ground rent realized on Nazool lands within the Town Area limits is however credited to the Town Area Fund.

MIAN AHMED YAR: With those people who do not graze their cattle in the Kahcharai area but instead purchase grass be exempted from grazing fee.

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): It is difficult to make such distinction

272. MIAN AHMED YAR: Will Government please state:—

- (i) From which year and on what conditions is the Thakiala Parawa under the control of the Jagirdar Poonch?
- (ii) What District and Tehsil of the State does the said Illaqa form a part of?
- (iii) Was it with their consent that the people of this Illaqa have been placed under the control of the Jagirdar of Illaqa Poonch by depriving them of the rights enjoyed by the people of this State? If not with their consent, why it has been done? and
- (iv) Why should this Illaqa be not included in the Jammu and Kashmir territory as before?

L. HAVELI RAM, General Secretary (On behalf of the Hon'ble Prime Minister): (i) Thakiala Parawa Pargana has been in possession of the Raja of Poonch for a very long time and he has been exercising full civil and criminal jurisdiction in it as in other parts of the Illaqa. In S. 1952 the question of resuming the possession of the Pargana from the Raja of Poonch was examined and eventually a compromise was arrived at on the following conditions:—

- (a) That Thakiala Parawa shall be recognised and declared to be part of the territories of His Highness the Maharaja, but that it shall be regarded as assigned to the Raja of Poonch in consideration of an annual quit rent.
- (b) That so long as the quit rent fixed is regularly paid, the possession of the Raja of Poonch shall not be disturbed. In the event of the quit rent not being paid the Durbar to have the right of resumption.
- (c) That full civil and criminal (including revenue and police) jurisdiction shall remain with Poonch as heretofore, subject to the general control, exercised by the Durbar elsewhere in his Illaqa.

(d) That the Durbar shall be at liberty to order the land revenue of the pargana to be periodically assessed by the Kashmir Settlement Commissioner, whose settlement shall be scrupulously observed by the Raja of Poonch, and that in the event of the assessment being increased at settlement, the quit rent shall also be raised so as to bear the same proportion to the new assessment, as the present quit rent bears to the present land revenue.

(ii) The Barnes Award of 1895 does not state definitely of which District and Tehsil of the State, Phakiala Parawa formed a part. The Pargana is wedged in between the present Kotli and Rampur-Rajouri Tehsils of the Jammu Province.

(iii) It is not possible to say whether the consent of the people was taken originally.

(iv) Because of the agreement which was concluded in S. 1952.

MIAN AHMED YAR: Will all those rights that have been granted by the Zamindars of Jammu and Kashmir be granted to the Zamindars of this Illaqa without their applying for it ?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): It is a new question.

MIAN AHMED YAR: In which Tehsil is this Illaqa included ?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): It seems to me a new question.

SARDAR DHYAN SINGH: I submit when the Government of India decided in 1909 that Raja Sahib Poonch is entitled to all the rights over this Illaqa and that he is the owner of all the forests; then is it not incumbent on Kashmir Government to follow these decisions. In what way then, can the interference of Kashmir Government be justifiable?

MR. PRESIDENT (THE HON'BLE SIR LAL GOPAL MUKERJEE Kt.): Whom are you asking the question? Are you addressing the Hon'ble Revenue Minister?

THE HON'BLE MR. K. N. KNOX (Revenue Minister): It seems to me entirely a new question. Unless I am sure on this point how can I reply.

S. DHYAN SINGH: Does the concession referred to in the reply apply to Poonch also ?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerjee Kt.): This question does not arise. Please see the reply and it will be clear to you.

273. KHAWAJA ALI MOHAMMED, Fatehkadal, Tenkipura (Srinagar City: Muslim): Will the Hon'ble Judicial Minister please state as to whether

(a) There is any rule for providing the news papers with the copies of the judgement of the criminal cases even at the time of pronouncing judgement without the payment of requisite fee?

(b) If the answer be in the negative, it may please be stated as to why and under what rules did L. Bindraban, Special Magistrate, provide without any fee the non-Muslims papers with the copies of the judgement of the Mattan dispute case even at the time of pronouncing the judgement?

(c) If the reply to part (b) be in the negative, will it be stated as to how was this judgement published in the non-Muslim papers even next day after it was pronounced and where did they get the copies from?

(d) Was any application for supplying the copies of the judgment of the payment of double fee submitted on that very date when the judgement was pronounced and is such an application there in the file?

(e) If the reply be in the negative, does it not clearly show that this judgement was written under a regular intrigue to disturb the peace and order of Jammu and Kashmir State?

PANDIT RAM NATH SHARMA Judicial Secretary (On behalf of the Hon'ble Judicial Minister): (a) No.

(b) No copy was supplied to any newspaper.

(c) There is no information available on this point.

(d) The accused Jiwan Nath applied for copy of judgement on 29-9-1993 and the copy was delivered to him on payment of copying charges of Rs. 18 12 as. on 3rd Magh 1993.

(e) There is no material or information on the point.

274. KHAWAJA ALI MAHAMMED: Is it a fact that (a) Matriculates are employed in the clerical line in the grade of Rs. 25-2-55?

(b) If the reply be in the affirmative, what are the reasons for recruiting the Matriculate teachers in the grade of Rs 20-1-30 in the Education Department?

(c) Are Government prepared to put the grade of the Matriculate teachers on par with the clerical line?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister):
(a) Yes, it is not necessary to appoint Matrics only on these posts but F. A's and B. A's are also appointed.

(b) There is no grade of 20-1-0 in the Education Department.

(c) Does not arise.

275 KHAJA ALI MOHAMMED: Is it a fact that :-

(a) The accounts of all the Government Departments are officially audited and thus there can not be any embezzlement of the Government money?

(b) If the answer to the above be in the affirmative, what are the reasons that the accounts of the schools who receive Government grants are not audited?

(c) Are Government, in order to stop the embezzlement of the Government money and of the national funds, prepared to audit their accounts regularly in future?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH (Finance Minister): (a) Yes, so far as possible.

(b) These institutions are regarded as private. The grant to them is governed by the grant-in-aid Rules which do not provide for audit.

(c) No. If these institutions are to be audited they would be expected to pay for it. Work of this kind is meant to be done by Chartered or diplomaed Accountants.

276. KHWAJA ALI MOHAMMED: Will the Hon'ble Finance Minister please state :-

(a) What is the proportion of Muslims and non-Muslims employees in the accounts Department?

(b) What addition in Muslim element has been made in this Department after the recommendations of the Glancy Commission?

(c) Did Mr. Pande, the Accountant General prepare a list of Muslim candidates in 1934?

(d) If the reply be in the affirmative, how many of these candidates have been made permanent and against them how many non-Muslims candidates have been confirmed?

(e) If in this case proportion has not been kept in view what are the reasons therefor?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI:
(a) The No. of Muslims and Non-Muslims in different grades is as under :—

		Muslims.	Non-Muslims
(1) Gazatted Officers (One reserved for a Muslim)	...	2	7
(2) Non-Gazetted	...	49	225
Total	...	51	232

(b) The addition is as follows :—

	Muslims.	Non-Muslims.
(1) Gazetted ...	One (one more under training.)	One decrease.
(2) Superintendents.	Two (one under diposal.)	Three decrease.
(3) Examiners	Three (2 more under diposal)	Five decrease.
(4) P. W. Accountants.	Two	Two decrease (Sericulture Accountant brought on the cadre subsequently).
(5) Forest Accountants.	One	Two increase. (One qualified clerk exchanged with a clerk of the Forest Department one appointed against the 2 newly created posts of Police Accountants).
(6) Clerks ...	Twelve	Eight decrease.

(c) Yes.

(d) Seven candidates were registered. 6 of them did not turn up when sent for. One was appointed but was discharged as his hereditary State Subject Certificate was cancelled. No Non-Muslim candidate of 1934 has been confirmed. Some candidates enlisted in 1930 still await confirmation.

(e) Does not arise.

S. KHANYA SINGH: I want to know whether Sikhs are included in the Non-Muslims when figures showing the number of Muslims and Non-Muslims are stated?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH (Finance Minister): This may be asked in the next session.

S. KHANYA SINGH: Sir, I want to know whether we are classed with the Muslims or with the Non-Muslims.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH (Finance Minister): With the non-Muslims.

S. KHANYA SINGH: If we are classed with the non-Muslims, then is our percentage considered separately at the time of preparing the statement?

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): The question contains the words "Muslims" and "non-Muslims" and this has been replied. Therefore, your question does not arise.

S. KHANYA SINGH: Sir, it ought to be made clear whether the Government always considers Sikh representation or not.

ABDUL RAHIM BANDEY: So that it might gladden their hearts.

(laughter)

S. KHANYA SINGH: It is not to please the hearts. It is a matter concerning the Sikh community of which I am a humble servant.

MOLVE MOHAMMED ABDULLA: I do not regard Sikhs as non-Muslims. I desire that Sikhs should join us.

S. KHANYA SINGH: We should get something at least.

277. SUBEDAR KHAN MOHAMMAD KHAN, Bagh Sudhanti, Poonch (Muslim): Is it a fact that at Tilni, in Tehsil Sidhoti there is a very dangerous Nallah where a Kacha bridge was constructed and that it has been now washed away? If the answer be in the affirmative, will the bridge be got reconstructed through the Tehsil?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): The question of reconstruction of this bridge is under consideration. Steps will be taken in this respect on receipt of Tehsildar's report.

278. SUBEDAR KHAN MOHAMMAD KHAN: Is it a fact that at the time of Settlement a road was constructed from Tatta Pani, Manjari to Palandri and that can be repaired with very little expense?

Will it be repaired out of the Kali Kor Tax?

COL: BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): A request for repairing this road was not made to the Revenue authorities

The Chief Revenue Officer is however being asked to enquire and set it right wherever necessary.

279. SUBEDAR KHAN MOHAMMAD KHAN: Is it a fact that the zamindars of Dehgaron have started a private school since long?

If the answer be in the affirmative, will Government bring it on the official list of schools?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): The Education Department Poonch is not aware of the existence of any such private school.

S. KHAN MOHAMMAD KHAN: If the Government is informed of the existence of such school, will it then be included in the list of schools?

WAZIR FERROZ CHAND, Wazir Poonch (On behalf of the Hon'ble Revenue Minister): You will find reply to this question of yours in a reply to a subsequent question. That question is yet to be replied.

280. SUBEDAR KHAN MOHAMMAD KHAN: Is it a fact that in many Illaqas the zamindars have started private schools?

Will not the list of such schools be obtained through the Education Department and will not these schools be inspected like other State schools?

COL. BALDEV SINGH PATHANIA: The administration is not in knowledge of the existence of such Schools. The Revenue Department will however, be asked to have a list of such private schools made which shall be sent to the chief Education Officer for necessary action under rules.

281. SUBEDAR KHAN MOHAMMAD KHAN: Are Government aware that Khan Bahadur Chaudhari Mohammed-ud-Din prepared a scheme for the repairs of the rural roads and that to keep them in order he had maintained gangs?

If the answer be in the affirmative, will the Wazir of Poonch undertake to repair the old roads according to this scheme so that the zamindars may be able to bring their grains conveniently?

WAZIR FERROZ CHAND, Wazir of Poonch (On behalf of the Hon'ble Revenue Minister): Yes, but it was not carried out by his successors. But now the maintenance of the village roads is going on side by side with the construction of new motor roads to join Poonch proper with the Tehsil

Headquarters. During the last two years. Lachyal Dharamsal Motor road, Madarpur-Hajira Roads have been completed and the following Motor roads are under construction :—

- (i) Hajeera-Rawlakot. The work on this road will continue till it reaches the Bagh Tehsil Headquarters.
- (ii) Poonch-Mandi road.
- (iii) Poonch-Hajipir road.

282. WAZIR GANGA RAM Reasi, Hindu: Is it a fact that in Reasi District there are only two Middle schools and a few Primary schools for a population of two and a half lacs of people ?

If the reply be in the affirmative, will Government please state whether these schools are sufficient for such a vast population and are Government prepared to make some special arrangements for providing increased facilities in education in this district in future ? If not, why not ?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): The male population of the Reasi district is 124, 210. There are four middle schools in this district at present, and 51 Primary schools in Reasi, Katra, Pouni, and Rajouri. This year one more middle school will be opened in Tehsil Rajouri and one lower middle school will be raised an upper middle school. The new primary schools will also be opened in this district. The above number of schools is sufficient for such a district which has only two tehsils (Reasi and Rajouri).

283. WAZIR GANGA RAM: Will Government please state the kinds and number of the cottage-industries which have been started in Reasi District ? If not, why not ? And when do Government intend starting such cottage-industries ?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): Important Cottage Industry in the State is Handloom Weaving. Reasi District also possesses a large number of handlooms. Weaving Demonstration Party was sent to Reasi over 9 years ago. It held demonstrations for over a year. People of Reasi did not take much interest in the use of improved weaving appliances. If the inhabitants of Reasi District so desire, the Party will be sent again to demonstrate the use of improved weaving appliances and assist in the setting up of small handloom weaving factories.

284. WAZIR GANGA RAM: Is it a fact that the Tata Company is not prepared to continue for future the work of

extracting minerals which they started in Reasi District ?

If it is a fact, what are the reasons therefor ?

COL. BALDEV SINGH PATHANIA (On behalf of the Honble Revenue Minister): Yes. They have come up against the usual difficulty that the communications are so bad that it would be impossible to sell at a profit these heavy minerals, even if these are present in sufficient quantities. It is not worth their while to find out what the reserves are when it would be impossible without a railway to market the product.

285. WAZIR GANGA RAM: Is it a fact that the Harijan community is far backward in education than the other communities ?

If the reply be in the affirmative, are Government prepared to pay attention to their educational advancement by appointing a special Inspector like the Special Muslim Inspector ? If not, why not ?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister):

(a) Yes.

(b) The Government is taking every possible measure to make up the deficiency of education amongst the Harijans but the appointment of a Special Inspector will serve no good purpose.

WAZIR GANGA RAM: Has any benefit been derived from appointment of a Muslim Inspector.

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): In the capacity of a Government Official I cannot give my personal opinion in this house. However if Wazir Sahib would ask my private opinion I would tell him a lot.

286. WAZIR GANGA RAM: Is it a fact that the Glancy Commission recommended for increasing the pays of the teachers ? If the reply be in the affirmative, will it be stated as to when are Government prepared to take steps in this direction ?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): This is under consideration of the Government.

287. MIAN QURBAN AHMED (Kathua Muslim): Is it a fact that deductions were made at the time of payment to the contractors who were granted the contract for repairing the Basohli Bhadarwah road and bridges in the years 1991-92 ? If so, what deduction, on the report of which officer and for what reason, were made ?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): Yes. The Wazir Wazarat Kathua,

deducted from the bill of the contractor Rs. 275 and Rs. 29 8 as., on account of abatement offered and less work done by the contractor.

MIAN QURBAN AHMED : On the report of which official was it done so and what are the reasons there for. The reasons may please be stated.

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): He personally inspected the road when he had a sub overseer with him.

288. MIAN QURBAN AHMED: (a) Will the Hon'ble Revenue Minister please state whether the Tehsildar Jasmergarh recommended to the Wazir a fine of rupees two to be imposed on Chirag Din Patwari of Sonasa circle and the Wazir enhancing the amount of fine to rupees five, submitted the file to the Governor for sanction? Has the fine been realized?

(b) If the answer to the above be in the affirmative, will the Hon'ble Revenue Minister please state under what law the Governor was pleased to order the dismissal of the Patwari as well besides the fine?

(c) Will the above orders be cancelled in revisional powers keeping in view the past 28 years' service of the Patwari?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister: (a) The Wazir imposed a fine of Rs. 5

(b) The Governor dismissed the Patwari.

(c) It is impossible to state what view the Revenue Minister will take if an appeal or application in revision is filed

MIAN QURBAN AHMED Can two punishments be awarded to a person for one crime?

MR. PRESIDENT (THE HON'BLE SIR LAL GOPAL MUKERJEE KT.) Was he dismissed as well as fined?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): All that I know is that the lower court recommended a fine and the Governor took a serious view of the matter and dismissed the Patwari. I cannot state what view of the matter I will take when the papers come before me in appeal.

MIAN QURBAN AHMED: Will any action be taken regarding this matter if the Treasury receipt for Rs. 5 2 as. be submitted.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerjee Kt.): May I know whether there was double punishment, fine and dismissal both?

THE HON'BLE MR. K N. KNOX (Revenue Minister : There is no information with me to that effect. Two punishments might have not been justified. If it is so, then fine will be refunded.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerjee Kt) : The Hon'ble Revenue Minister says that at present there is no information whether the fine was sustained or not. If that is the case then of course the fine will be refunded.

289. PEER HISAM-UD-DIN (Haveli Mendhar, Poonch Muslim) :

(a) Have Government ever paid attention to the fact that it is due to their being no motor road between Uri and Poonch that the trade relations of Poonch and Kashmir are very limited ?

(b) Are Kashmir Government prepared to construct a Motor road from Uri upto the Boundries of Poonch ? If so, when ?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : The member is referred to the reply given to question No 429 put by L. Ram Lal

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister) : Sir, I request that this question may be postponed.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukrejee Kt.) This question is postponed and will be replied to later on.

290. PEER HISSAM-UD-DIN : (a) Will Poonch Government please state as to in which departments there is a majority of non-Muslims (excepting menials) and also from the point of view of pay in what proportion the Muslims stand to non-Muslims in such departments ?

(b) Will Government please state as to what steps have been taken to make up the deficiency of the representation of the Muslims in the Government services in accordance with the recommendations of the Glancy Commission ?

WAZIR FERDZ CHAND, Wazir Poonch (On behalf of the Hon'ble Prime Minister) : In the following Departments non-Muslims excepting menials predominate and their ratio of pay is 2 : 5 :-

1. Sri Raja Sahib Bahadur's Office.
2. Wazarat Office.
3. Accounts Office.
4. P. W. D.
5. Medical.

(b) Due regard is being given in the matter at the time of recruitment of the employees.

291. LALA RAM LAL, Illaqa Poonch, (Hindu) :

(a) It may please be stated whether the Chowkidars Baugh Baz and Lehna Singh made a report of the cow slaughter in Hari Gehl and did they also state the names of those persons who set the mosque on fire ?

(b) If the answer to part (a) be in the affirmative, it may please be stated whether these two persons were kept under arrest continuously for several days by the local Police and did the officials suspend them from their Chowkidari duty and are they still under suspension ? It may also be stated whether the Government Poonch are prepared to reinstate them or not ? If not, the reasons therefor may please be stated ?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) :

(a) No.

(b) These two Chowkidars were challaned to Court under Section 110 Criminal Procedure Code and were kept in lock-up failing to produce bail. Such being the case they were suspended. Enquiries are however being made into their character, by the Revenue authorities and the question of their reinstatement can be considered only when there remains no complaint against them.

LALA RAM LAL : What was the result of this case under section 110 ?

WAZIR FEROZ CHAND, Wazir Poonch (On behalf of the Hon'ble Revenue Minister) : It is a new question, Sir.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerjee Kt.) : But has it been decided ? It is not a new question. The question does arise.

WAZIR FEROZ CHAND, WAZIR POONCH (On behalf of the Hon'ble Revenue Minister) : I will enquire, Sir, I don't know about it.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerjee Kt.) : Is it pending ?

WAZIR FEROZ CHAND, WAZIR POONCH (On behalf of the Hon'ble Revenue Minister) : I will enquire, Sir.

LALA RAM LAL : It has been said that suspension was a necessary consequence.

WAZIR FEROZ CHAND, WAZIR POONCH (On behalf of the Hon'ble Revenue Minister) : Yes, this had to be done when the security which was demanded was not furnished.

LALA RAM LAL: According to what law can an official be suspended for not furnishing security.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): When the security was not furnished they were sent to jail. It was inevitable. What else could be done?

LALA RAM LAL: My submission is that in default of fine they were kept in custody but after a few days they were released.

WAZIR FERAZ CHAND, WAZIR POONCH (On behalf of the Hon'ble Revenue Minister): You may put another question.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerjee Kt.): You have got the reply to your question.

LALA RAM LAL: But not to the second part.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): Wazir Sahib has said that you may put a fresh question. He does not have any more information with him just at present. He will reply your question when you put it again.

292. LALA RAM LAL: (a) Is it a fact that in the last session of the Praja Sabha held at Srinagar it was promised that the estimates of the bridge over Nullah Nil adjacent to Kotli would be got ready very early and that the bridge would be constructed there?

(b) If the answer to (a) be in the affirmative, it may please be stated why has the construction of the bridge on Nullah Nil not been taken up so far? It may also be stated when will the construction of the bridge be taken up?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): An estimate of Rs. 34,040 is being prepared, and the funds will be arranged in the next year. The funds will be demanded in the next year's budget for this work.

S. DHYAN SINGH: Will some practical steps be taken next year or will the time be spent in dealing with contracts merely?

LALA RAM LAL: It is said that next year money will be demanded in the Budget.

Note:—No reply was given to the member.

293. LALA RAM LAL: (a) Is it a fact that on account of the absence of a bridge every year not only are human lives lost in the Nullah Betar adjacent to the city of Poonch but the cattle is also carried away by the waters of the Nullah?

(b) If the answer to this question be in the affirmative, it may please be stated whether the Poonch Government are

prepared to construct a bridge over this Nullah as early as possible or not? If on account of financial stringency it may not be possible to take up the construction of the bridge then are Poonch Government prepared to spend from the Reserve Fund to remove this hardship of the public? If not, the reasons therefor may please be stated?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): (a) A temporary rope bridge has been constructed on the Betar Nullah for pedestrians and after its construction no report about the loss of human lives has been received. As to loss of cattle, the Administration is not aware of the same.

(b) In view of the above, this question does not arise.

LALA RAM LAL: Sir, when was this suspension bridge constructed?

WAZIR EEROZ CHAND, WAZIR POONCH (On behalf of the Hon'ble Revenue Minister): A year ago.

LALA RAM LAL: Did you not say in reply to my question in the Srinagar Session that there had been eleven deaths on account of the absence of a bridge and now a rope bridge has been constructed there.

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): This is cross-examination, sir.

LALA RAM LAL: It is no cross examination, sir, it is a fact. I submit when in reply to one of my questions it was stated in the last Session that there were eleven deaths. Now it has been told that by merely constructing a rope bridge all those difficulties have been removed. Then was the former reply incorrect?

Note :— No reply was given.

294. LALA RAM LAL: (a) Is it a fact that there is no Middle school in Illaqa Gopalupur, Titri Note, Khari Dharmsal etc., and on account of the absence of a bridge on Betar Nullah the people of the villages are unable to educate their children beyond primary?

(b) If the answer to (a) be in the affirmative, are Poonch Government prepared to start a Middle school in some suitable village or not? If not, the reasons therefor may please be stated?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): (a) The reply is in affirmative as far as the question of the existence of a Middle School is concerned. But Betar Nullah is not an obstacle in the way of the boys of these villages coming to Pooch as a temporary bridge has been provided.

(b) In view of the (a) above, this question does not arise.

295. LALA RAM LAL: (a) It may please be stated how many employees are there in Police, Military and School Department in Poonch and how many of them are Hindus, Sikhs and Muslims? What is their strength in each Department?

(b) If the answer to (a) be that in all these Departments the number of Muslims as compared with that of the Hindus and Sikhs is greater then the figures of the persons employed in these Departments after 1990 may please be stated and it may also be stated how many Hindus, Sikhs and Muslims were employed in each Department? The figures for each may please be separately stated?

(c) If the answer to part (b) be that Mohammedans have been appointed in greater numbers in every Department then the reasons therefor may please be stated? It may also be stated whether the recruitment of the Mohammedans to the various Departments will be stopped until such time when the number of Hindus and Sikhs equals theirs? If not, the reasons therefor may please be stated?

WAZIR FEROZ CHAND (Wazir Poonch): (a) There are 702 employees in the Military, Police and Education Departments. Of these 205 are Hindus, 51 Sikhs and 446 Muslims. Their strength in each of these Departments is as under:—

Name of the Department.	Hindus.	Sikhs.	Muslims.
Police	62	14	165
Military	90	20	148
Schools	53	17	133

(b) 89 persons were recruited during the period in question, the number from each community being as under:—

Name of the Department.	Hindus.	Sikhs.	Muslims.
Police	14	3	21
Military	15	4	11
School	5	2	14

(c) It has not been alleged that in Poonch any community possesses more appointments than its number entitle it to, and Poonch will be fortunate if this question does not arise.

L. RAM LAL: In part (c) of my question I had asked that when the number of Hindus in services is less as compared with that of the Mohammedans will the Hindus be given

preference in Government services where there is majority of the Mohammedans.

KH, ABDUL RAHIM BANDEY : But the Sikhs come in their way.

L. RAM LAL : Wait, please.

Note :—The Hon'ble President reads part (c) of question No. 295.

L. RAM LAL : What I ask is this, when the Muslim representation is already in excess, will due proportion be maintained ?

THE HON'BLE MR. K. N. KNOX (Revenue Minister) : Sir, I can not understand it.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerjee Kt.) : It is a matter of opinion whether a particular community is over-represented or not. It does not require any answer

296. MIRZA M A BEG Anantnag (Muslim) : (a) Does the Government know that there is no hospital in the vast area between Anantnag and Aru on account of which the people of the Illaga are in great difficulty ?

(b) Will the Government open a hospital at Saller or at Aishmukam to remove this difficulty of the people ?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister) : (a) No, There is a dispensary at Pahalgam.

(b) The Medical Department is not in favour of opening more dispensaries till the present dispensaries are made fully self contained and provided with suitable Government accommodation.

MIRZA M. A. BEG : Are there any dispensaries in winter there ?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister) : No, there is one dispensary in Pahalgam which is mostly availed of visitors.

MIRZA M. A. BEG : That is to say, it is not meant for the local people ; it is for the visitors only

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister) : It is also meant for the local people. Steps are being taken for the setting up of permanent dispensary.

297. MIRZA M. A. BEG : (a) Does the Minister-in-charge know that the zamindars of Aishmukam (Anantnag) complain against the employees of Martand Canal that every year change is made in the number and size of water taps without any reasons and water is not supplied in time ?

(b) If the answer be in the negative, will he after

inquiring from the zamindars be pleased to supply information in this behalf ?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister):

(a) No complaint has been received by the P. W. D. Officers and no change has been made in the number and size of water taps of Martand Canal.

(b) Does not arise.

MIRZA M. A. BEG: I have enquired whether the Minister-in-charge public works knows about it or not.

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): I am the Minister in charge of Public Works and the answer was required from the Minister-in-charge.

MIRZA M. A. BEG: Was no complaint received by the Minister-in-charge?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): No complaint was received.

MIRZA M. A. BEG: "Second part does arise."

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): There has been no change in the water taps.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerjee Kt.): There is no change and therefore no answer is necessary.

MIRZA M. A. BEG: The zamindars complain like that. Do they complain without cause ?

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): It is connected now. All water taps have been set right.

MIRZA M. A. BEG: Then you say that there was no change.

298. MIRZA M. A. BEG: (a) Does the Hon'ble Minister concerned know that the last date for the zamindars for submitting application for the rebate of land revenue on the basis of 'kharaba' has been fixed at the time when no correct estimate of crop being good or bad can be made and at this time the zamindars cannot submit such application regarding crop which remains unripe in the end ?

(b) Is it a fact that the Zilladar-employee of the Martand Canal examines the crops in connection with kharaba at a time when the crop is unripe and hence no correct estimate can be made as to whether the crop will turnout good or bad ?

(c) If the answer to parts (a) and (b) be in the affirmative then will the last date for submitting applications referred to in part (b) above, be fixed at the end of Assuj in future, and if the answer be in the negative, will the Government on enquiry take any action ?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : (a) Last date for submission of Kharaba application is 15th Bhadun when the crops are standing.

(b) The Zilladar Martand Canal examines the crops when they are unripe as well as when they are ripe.

(c) Last date for the submission of applications cannot be fixed at the end of Assuj as the zamindars start cutting their crops by the end of Bhadun and crops not in standing condition are not allowed Kharaba under canal rules.

MIRZA M. A. BEG : He said that the last date that has been fixed is 15th Bhadun and the mowing of the crop is started towards the end of Bhadun. Under these circumstances it may be stated as to how can it be said before hand whether the crop would be full or not when they have fixed fifteen Bhadun as the last date for applications.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): What do you mean? I have read the answer and the question both. I am not quite clear. What do you mean (a), (b) or (c).
Note:—The Hon'ble President read out the question and said that the answer was quite complete.

MIRZA M. A. BEG : The last date is fixed at a time when the crop is standing and not yet reaped. In such circumstances it cannot be estimated. He has stated two different dates ; hence the difference. At the time that has been fixed namely 15th Bhadun the crops are standing and it is not possible to say whether there can be a correct estimate or not because the harvest is not reaped by 15th.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): Is the Hon'ble Revenue Minister in a position to explain it. If I have understood the question it is whether the crop is damaged or not.

MIRZA M. A. BEG : Can he say it definitely whether it is right or not?

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): What do you mean by "Kharaba"?

MIRZA M. A. BEG : It is not possible for the zamindar to say whether the crop is ripe or not by 15th Bhadun which is the last date for submitting applications. The harvest is mown towards the end of Bhadun. As the crop is standing by 15th Bhadun the zamindars cannot estimate "Kharaba" for the mowing starts towards the end of Bhadun. My view is that under these circumstances the zamindars cannot judge this. The last date for submitting the applications is 15th

Bhadun and they begin to cut the crops at the end of this month. How is it therefore possible to make a correct estimate. Will you kindly consider it.

THE HON'BLE MR. K. N. KNOX (Revenue Minister) : If the Hon'ble member makes it clear to me privately, I would explain it in a short time. He expects the whole inspection to be done in a week. The crop will mature by 15th of Bhadun and he expects that the whole inspection of crops will be done before first Bisakh. As a rule it is quite easy to assess the crop before it is ripe, though it is difficult to judge the damage done to the crop by flood or rain. I am prepared to make it clear to the Hon'ble member if he will talk it over with me in Private.

MIRZA M. A. BEG : The reply which I have received is not right. Am I to understand that in the case of Patwar Khana the repairs are done by the zamindars ?

THE HON'BLE MR. K. N. KNOX (Revenue Minister) : Which question ?

MIRZA M. A. BEG : Part (b).

Note:—The Hon'ble President reads out the question and remarks :
There is a clear answer.

MIRZA M. A. BEG : Part (b) Patwar Khana is made by the zamindars over and above the charge of Patwar Cess.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): The answer is in negative.

299 MIRZA M. A. BEG : (a) How many animals died in the last year's (1933) epidemic in Tehsil Anantnag, and what amount was granted as Taccavi to the owners of the animals and what is the average sum of Taccavi per head ?

(b) Will the Government in view of the pitiable condition of those zamindars whose oxen died of epidemic remit one instalment of their land revenue ?

(a) 1st part: 619 from Rinderpest

2nd part: This information could not be collected within time available

(b) If any of these zamindars stands in need of help he can apply for it under the new Agriculturists Loans and Land Improvement Regulation, if he has not already done so.

300 MIRZA M. A. BEG: (a) What amount of Patwar Fund is realized from the zamindars of Tehsil Anantnag ? How much is charged on account of the repairs and protection of Patwar Khana ?

(a) Is it a fact that the repairs of the Patwar Khana is got done free through the zamindars ?

(c) If the answer to part (b) be in the affirmative, then it may please be stated as to why are the zamindars made responsible for the repair and the protection of Patwar-Khana when Patwar Fund is charged from them ?

(d) If in future also the zamindars are held responsible for repairing the Patwar-khanas, are the Government prepared to remit the Patwar Fund (to zamindars) ?

COL. BALDEV SINGH PATHANIA (Governor Jammu—on behalf of the Hon'ble Revenue Minister): (a) An amount of Rs. 19614 is the demand under Patwar Fund in Anantnag Tehsil out of which about Rs. 17000 is spent on maintenance of Patwar Agency. Funds for the repairs and protection of Patwarkhanas are provided in the annual expenditure Budget debitable to the Patwar Fund. An amount of Rs. 5000 per District has been proposed to be provided in the Budget from next year.

b) For a few years past during which the financial stringency prevailed ordinary repairs to Patwarkhanas wherever necessary were got executed by funds collected from the zamindars but nowhere has free labour of zamindars been employed for the purpose.

(c) & (d) Do not arise

301. PT. JIA LAL KILAM (Srinagar City South Hindu) : Will the Government be pleased to state :—

(a) Since when is the present Senior Superintendent of Police posted at Srinagar ?

(b) In how many court judgements has the working of the Police in the Kashmir Province been criticised ?

(c) Is it not a fact that the Press at Srinagar has very often suggested the transfer of Senior Superintendent of Police ?

(d) Does the Government contemplate to transfer him from Srinagar ? If not, why not ?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister) :

(a) S. Wazir Mohd Khan was posted to Srinagar as Senior Superintendent of Police in September 1932.

(b) The information is not available.

(c) Yes, certain papers have criticism.

(d) The question of the transfer of Col. Baldev Singh and Sardar Wazir Mohd. Khan has been under consideration since last year was decided in last February.

PT. JIA LAL KILAM : What was decided ?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister) :
He was transferred.

302. KHAWAJA GHULAM MOHI-UD-DIN (Badgam Muslim):
(a) Will the Hon'ble Revenue Minister please state what principle has been adopted by the Forest Department in the matter of concessions and privileges granted by them to the inhabitants of villages situated adjacent to the forests in respect of taking firewood and wood for agricultural implements either free or at concession rates ? Villages within what distance from the forest line can be benefited by such concessions ?

(b) At what distance is Shalamar village of Pratap Singhpura Tehsil situated from Arigam village, and what are the reasons for the inhabitants of Arigam, Narigund, and Kichrajagir villages not being entitled to such rights when the Shalamar Forest is not more than one and a half miles distant from these villages ?

COL. BALDEV SINGH PATHANIA Governor Jammu—on behalf of the Hon'ble Revenue Minister): (a) These concessions and privileges are granted under Kashmir Forest Notice, Sections 10, 11 and 13. Under Kashmir Notice these concessions are granted to villages whose boundaries fall within three miles of the demarcated forests, provided the concessions and privileges of such villages have been recognized and recorded in the demarcation files by the Settlement Department at the time of demarcation of these forests.

(b) Shalanar village of the Sri Pratap Singh Pura Tehsil is situated at a distance of about $1\frac{1}{2}$ miles from Arigam village.

The inhabitants of Arigam, Narigund and Kich Rajahgir villages are not entitled to such concessions from the Shalanar Forest, because at the time of demarcation of Shalanar Forest, these villages did not put forth any Uzardari for these concessions before the Settlement Officer like other villages, nor did they prefer any appeal against the judgement of inspecting officers as other villages do, if such concessions are not recorded in their favour.

KHAWAJA GHULAM MOHI-UD-DIN: Like the residents of those villages who agreed to demarcate forest areas if these people also agree will their rights be considered.

THE HON'ABLE MR. K. N. KNOX (REVENUE MINISTER):

Neither any application nor an appeal was made when this settlement was going on. If an application to this effect is made now, I shall see if I can do anything.

MAJOR GENERAL JANAK SINGH: (Addressing the member) If they will submit an application it will be considered.

303. KHAWAJA GULAM MOHI-UD-DIN: (a) Will the Hon'ble Revenue Minister please state whether any period has been fixed for decision of cases in the Revenue Department?

(b) If the reply be in the affirmative, what is the maximum period so fixed?

(c) Is it a fact that in the Tehsils of Kashmir valley revenue cases are pending decision since several years and excepting putting off such cases for other dates no action is taken on them?

(d) Will the Revenue Department take necessary action to prevent such irregularities?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): (a & b) No period is fixed for decision of Revenue Judicial cases. Instructions are, however, issued from time to time, requiring Subordinate Revenue Officers to dispose of cases within 3 months from the date of their institution. The case work of the officers is checked from the quarterly returns submitted by them and notice is taken of delays made without any sufficient cause.

(c & d) Action will be taken, if specific instances are quoted.

KHAWAJA GHULAM MOHI UD-DIN: My question is regarding the Revenue and not the Judicial Department.

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): The question pertains to the Judicial Department also.

304. KHAWAJA GHULAM MOHI-UD-DIN: Is it a fact that the Government intends providing water at Damodar Kareva either through a canal or through pipe? If so, wherefrom will this water be brought and when will this be done?

COL. BALDEV SINGH PATHANIA: (On behalf of the Hon'ble Revenue Minister): No such proposal is under the consideration of the Revenue Department.

305. KHAWAJA GHULAM MOHI-UD-DIN: (a) Is the Hon'ble Home Minister aware that there is no Middle School in the Illaqa Biroh situated to the west of Tehsil Sri Pratap Singhpora?

(b) If the reply be in the affirmative, will the Primary School Biroh be raised to the standard of a Middle School?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister):

(a) Yes.

(b) This will be referred to the Education Standing Committee.

306. KHAWAJA GHULAM MOHI-UD-DIN: (a) Is the Hon'ble Revenue Minister aware that amongst the zamindars, of Kashmir valley, specially Mohammedans, the distribution of inherited property is restricted to the male sex only, i. e., on the death of a zamindar his property is distributed among his male children only?

(b) If the reply be in the affirmative, what can be the reasons for this practice?

(c) Whether under the Mohammedan law a daughter is not entitled to inherit the property of her father?

(d) If the reply be in the affirmative, why has this sort of division of property against the personal law of a community been enforced?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): (a) According to the customary law of Mohamadans in the Kashmir valley, inheritance on the death of a zamindar, devolves on the male issues and Khana-Nashin daughters only (vide customary law by Pandit Sant Ram Dogra and the provisions of Section 130 of Land Revenue Regulation No 1 of 1980).

b Customary law takes precedence over personal law, where there is a difference between the two.

(c) According to the Mohamadan law a daughter is entitled to inherit the property of her deceased father.

(d) In view of the reply given to part (b) above, this does not arise.

307. PT. RAM CHANDRA DOBEY Kathua (Hindu): In the last session in answer to my question Q. D. 465, it was stated that the bridge over Ujh Nallah lying on the Jammu-Kathua Road was under survey and that an estimate would be prepared after surveying it. Will the Government please state what amount has been estimated after the survey for construction of this bridge and when is the work likely to be started?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): The survey work has since been completed and the estimate is still under preparation. The approximate estimated cost of the bridge is about Rs. 1, 50, 000.

PT. RAM CHANDRA DOBEY: The last part of my question has not been replied. I want to know when will the work be started?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): When the estimates have been prepared money will be demanded in the Budget and when the money is provided the work will be taken up.

308. PT. RAM CHANDRA DOBEY: In reply to Q. D. No. 490, it was stated in the last session that the income of Forest Department Billawar Division in the year 1992 was Rs. 7,000 and the expenditure Rs. 34,000. In view of the fact that the Forest Department is a commercial concern, will the Government please state the reasons for this heavy expenditure and also place before the House the details of this expenditure?

COL. BALDEV SINGH PATHANIA (Governor Jammu): (a) Para (1) The Division is mainly a protection Division, intended to prevent the erosion, which already has caused much serious damage in other similar areas. The expenditure incurred is as low as possible, but it is hoped that in years to come it may be converted into a paying concern.

(b) The question made is for the year 1932, by which probably is meant the financial year 1991-92 ending with Assuj 1992, in which year the actual Budget figures stood as under :—

Revenue	...	...	...	...	Rs. 7207-0-0
Expenditure	...	...	...	...	Rs. 34543-4-3

(c) The details of the expenditure are :—

Conservancy and Works.

(A) I.	Bamboo and other produce.	}	Rs. 323 11as.
	Timber-received by State Agency.		
II.	Advertisement and marking charges		Rs. 60 8as.
VI.	Stock Stores etc.		Rs. 100.
VII.	Roads, Buildings and fencing etc. etc. and pay of Rest House Chowkidars	}	Rs. 2485 7as.
VIII.	Demarcation and improvement etc. Forests		Rs. 76 3as.
IX.	Miscellaneous		Rs. 63

Total Rs. 3108-13-6.

Establishment.

(B) I.(b) Pay of Superior Officers	Rs. 4050
(c) Pay of Forest Rangers Foresters and Forest Guards	} Rs. 16445 7as.
(d) Office establishment	
Rs. 5820 9as.	
II. (b) T. A. of Superior Officers	Rs. 899 15as.
(c) T. A. of Executive Staff Forest Rangers, Forest- ers and Forest Guards	Rs. 1398 14as.
(d) T. A. of office establish- ment	Rs. 567 8as.

III. *Contingencies.*

Stationery, carriage of records and camp equip- ment, Rents of Lahore Depot etc., Official Post- age and miscellaneous charges	Rs. 2252 1a. 9p.
Total B.	Rs. 31,434 6as. 9 p.
Total A.	Rs. 3,108 13as. 6p.
Total B.	Rs. 31,434 6as. 9p.
Grand Total	Rs. 34,543 4 as. 3p.

PANDIT RAM CHANDRA DOBEY: In part (a) of the reply it has been stated that all the money is spent to protect land against deluvision, but when the details of expenditure are supplied it becomes evident that Rs. thirty one thousand are spent on the establishment alone. I want to know what amount is spent on the protection works.

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): The establishment ensures protection and the money is spent on the establishment.

PANDIT RAM CHANDRA DOBEY: What work do they do?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): They plant trees.

PANDIT RAM CHANDRA DOBEY: How much money is spent on planting trees?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): The pay of the establishment has also

to be meted out of these thirty-one thousands.

309. PANDIT RAM CHANDRA DOBEY: Will the Government please state the income and expenditure on Sericulture in Kathua District? In view of the fact that no such work is done in this district, what are the reasons for retaining restrictions on mulberry trees in this district?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister):

The information is not available, but there is not at present a great deal of Sericultural work in the Kathua District. Mulberry trees are reserved trees under the provisions of the Land Revenue Regulation Section 47, and the alteration proposed would require grave consideration in view of the damage already done in the State by the indiscriminate destruction of less important trees.

PANDIT RAM CHANDRA DOBEY: It has been stated regarding Kathua District that information is not available. But is there any income?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): There is very little income.

310. PANDIT RAM CHANDRA DOBEY: Are the Government aware that in the interior of Tehsil Basohli, progress of trade depends upon three roads (1) Basohli-Bhadarwah road, (2) Basohli-Jammu road via Ramkot, (3) Basohli-Ramnagar Road? None of these roads is less than 50 miles long and there being hills the ways are difficult and this condition is not good and not more than Rs. 2,000 are spent annually for the so-called repairs of those roads, which is totally insufficient. During the last three years repeated requests were made in every session of the Praja Sabha for the grant of adequate funds for proper repairs of these roads. Are Government ready to have these roads repaired at an early date? If not, why?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): Yes, these roads pass through hilly tracts, but their condition is not as bad as stated by the Praja Sabha Sad. All the three roads are repaired annually. The repairs for the current year are being executed. It is not possible to spend more than what is being spent at present of these roads owing to insufficiency of funds.

311. PANDIT RAM CHANDRA DOBEY: Will the Government please state the Number of Hindu and Muslim local

candidates of every Tehsil of Kathua District who have been taken in the Patwar School Jammu ever since it was started? Will the Government make a proposal for the appointment of local candidates for this work according to the number of Patwaris in every Tehsil and appoint candidates from every community according to population?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister):

37 candidates from Kathua District, as under, were taken for training in the Patwar Training School, Jammu:—

(a) Kathua	... 12	{ Hindus	... 6
		{ Muslims	6
(b) Basohli	... 12	{ Hindus	... 9
		{ Muslims	... 3
(c) Jasmergarh	... 13	{ Hindus	... 11
		{ Muslims	... 2

Appointments of Patwaris and Wazifakhwars are already being made from local trained candidates available in various Tehsils with due regard to the proportion of different communities inhabiting the place.

312. SARDAR DHIAN SINGH: Is it a fact that in Poonch S. Isher Singh applied for being sent for training of Veterinary Assistant on his own expense wherein he had requested that only the college fees may be paid by the Government and that the Chief Medical Officer had recommended this?

If the answer be in the affirmative, will Government in view of the fact that Sikhs are not represented in the Medical Department grant the application of Sardar Isher Singh and remove the deficiency of the representation of the Sikhs to some extent? If not, why?

WAZIR FEROZ CHAND, WAZIR POONCH (On behalf of the Hon'ble Revenue Minister):

Yes. Sardar Isher Singh did not possess requisite educational qualifications laid down in the Prospectus of Veterinary College, Lahore and therefore his request could not be considered.

SARDAR DHIAN SINGH: Are Government prepared to send some other Sikh youngman at their own expense so that the deficiency of their representation be made up.

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(b) If the reply be in the affirmative, will the Primary School Biroh be raised to the standard of a Middle School?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister):

(a) Yes.

(b) This will be referred to the Education Standing Committee.

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(b) If the reply be in the affirmative, what can be the reasons for this practice?

(c) Whether under the Mohammedan law a daughter is not entitled to inherit the property of her father?

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COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): (a) According to the customary law of Mohamadans in the Kashmir valley, inheritance on the death of a zamindar, devolves on the male issues and Khana-Nashin daughters only (vide customary law by Pandit Sant Ram Dogra and the provisions of Section 130 of Land Revenue Regulation No 1 of 1980).

b. Customary law takes precedence over personal law, where there is a difference between the two.

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(d) In view of the reply given to part (b) above, this does not arise.

307. PT. RAM CHANDRA DOBEY Kathua (Hindu): In the last session in answer to my question Q. D. 465, it was stated that the bridge over Ujh Nallah lying on the Jammu-Kathua Road was under survey and that an estimate would be prepared after surveying it. Will the Government please state what amount has been estimated after the survey for construction of this bridge and when is the work likely to be started?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): The survey work has since been completed and the estimate is still under preparation. The approximate estimated cost of the bridge is about Rs. 1, 50, 000.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): Hon'ble Revenue Minister states that the Government is trying to expand this Department. The action will be taken according to the circumstances. No reply can be given in anticipation.

313. SARDAR DHIAN SINGH: Is it a fact that the road which joins Poonch with the Bagh Tehsil Headquarters *via* Attavli Peer and which road is the nearest and the most popular, is in a very dilapidated condition at present?

(b) Did Shri Raja Sahib Bahadur sometime on people's inviting attention towards this, call for a scheme for its early improvement? If the answer be in the affirmative, it may please be stated as to what action has been taken on the scheme about the repairing of such an important and useful road and how long will it take to make this road fit for traffic and passing of animals?

Note :—Question No. 313 promised to be replied on the next day.

SARDAR DHIAN SINGH: My question is a different one. It reads as.....

(Reads the question)

MR. PRESIDENT: (The Hon'ble Sir Lalgopal Mukerjee Kt.): It would be better if the question be postponed. Both the questions will be replied tomorrow.

Note :—(Postponed for tomorrow)

WAZIR FEROZ CHAND, WAZIR POONCH (On behalf of the Hon'ble Revenue Minister): The Praja Sabha Sad is referred to reply to Q. D. 440 of Lala Ram Lal.

314. SARDAR DHIAN SINGH: Will Government please state as to how many gazetted posts of Inspectors of Schools and Head Masters of High Schools are in the Education Department and how many of these incumbents are Hindus, how many Muslims and how many Sikhs?

(b) If it is a fact that none of these posts has ever been held by a Sikh up to now, will Government please make up the deficiency at an early date?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister):

(a) The total number of these officers is 20.

(b) No. Previously there was a Sikh (S. Partap Singh) Assistant Inspector and even now there is one.

S. DHIAN SINGH: On what principle has this been done.

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): The question has been replied. There is no question of principle.

S. DHIAN SINGH : In what ratio has this been done. Formerly the Chief Engineer, Engineers and Judges were all Sikhs. Is the same proportion maintained even now ?

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukurjee Kt.) : You cannot cross question.

S. DHIAN SINGH : My question, as has been stated, is that there is only one Sikh and formerly also there was one Sikh. My submission is that his name may be stated.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukurjee Kt.) : That means you do not believe it to be so.

S. DHIAN SINGH :—I think there has been some mistake in the answer.

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister) : The fact really is that they do not recognise him as Sikh while his name is S. Bhikham Singh.

S. DHIAN SINGH : He is not a Sikh.

(Laughter)

This means, there is no Sikh there.

L. SHIV NATH NANDA : Sir, at least he professes in the Sikh creed.

S. DHIAN SINGH : That is a different matter whether he professes the Sikh creed or not, we do not regard him a Sikh.

315. S. DHIAN SINGH : (a) Is it a fact that a Government Kanya Pathshala (Girls School) maintained by the Sikhs of Mirpur is satisfactorily running for the last seven years and that no Government aid has been granted to this school so far in spite of the fact that such Pathshalas of other communities in Mirpur are regularly receiving grants ?

(b) If it is a fact what are the reasons for this and will Government please satisfy legitimate demand of the Sikhs ?

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister) :

(a) Yes.

(b) On account of financial stringency no new grant could be sanctioned for any school. If the forms of Government Kanya Pathshala Mirpur will be received by the Inspector of Schools, they will receive consideration.

S. KHANYA SINGH : Aid has been granted to several new Schools.

THE HON'ABLE MR. WAJHAT HUSSAIN (HOME MINISTER) : Sardar Sahib seems to be labouring under some misconception. No school has received any grant.

to be meted out of these thirty-one thousands.

309. PANDIT RAM CHANDRA DOBEY: Will the Government please state the income and expenditure on Sericulture in Kathua District? In view of the fact that no such work is done in this district, what are the reasons for retaining restrictions on mulberry trees in this district?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister):

The information is not available, but there is not at present a great deal of Sericultural work in the Kathua District. Mulberry trees are reserved trees under the provisions of the Land Revenue Regulation Section 47, and the alteration proposed would require grave consideration in view of the damage already done in the State by the indiscriminate destruction of less important trees.

PANDIT RAM CHANDRA DOBEY: It has been stated regarding Kathua District that information is not available. But is there any income?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): There is very little income.

310. PANDIT RAM CHANDRA DOBEY: Are the Government aware that in the interior of Tehsil Basohli, progress of trade depends upon three roads (1) Basohli-Bhadarwah road, (2) Basohli-Jammu road via Ramkot, (3) Basohli-Ramnagar Road? None of these roads is less than 50 miles long and there being hills the ways are difficult and this condition is not good and not more than Rs. 2,000 are spent annually for the so-called repairs of those roads, which is totally insufficient. During the last three years repeated requests were made in every session of the Praja Sabha for the grant of adequate funds for proper repairs of these roads. Are Government ready to have these roads repaired at an early date? If not, why?

COL. BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): Yes, these roads pass through hilly tracts, but their condition is not as bad as stated by the Praja Sabha Sad. All the three roads are repaired annually. The repairs for the current year are being executed. It is not possible to spend more than what is being spent at present of these roads owing to insufficiency of funds.

311. PANDIT RAM CHANDRA DOBEY: Will the Government please state the Number of Hindu and Muslim local

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[illegible]

S DHIAN SINGH : Mirpur school has been given grant-in-aid.

THE HON'BLE MR. WAJHAT HUSSAIN (HOME MINISTER): This year grant has not been given to any new school or Pathshala.

S. DHYAN SINGH: Additions have been made, but no grant has been given to the Pathshala. Will the Government sanction its grant ?

*Note:—*No reply was given.

LALA RAM LAL: Sir, question No. 187 which was due on 7th April was postponed. It may please be replied now.

MR. PRESIDENT (THE HON'BLE SIR LALGOPAL MUKERJEE KT.) Who has to reply that ?

LALA RAM LAL: Hon'ble Revenue Minister has to reply it.

MR. PRESIDENT (THE HON'BLE SIR LALGOPAL MUKERJEE KT.) (Addressing the Hon'ble Revenue Minister) When will the reply be expected ?

THE HON'BLE MR. K. N. KNOX (REVENUE MINISTER): To-morrow, please

MR. PRESIDENT (THE HON'BLE SIR LALGOPAL MUKERJEE KT.) (Addressing Lala Ram Lal) It will be replied to-morrow

PANDIT AMAR NATH KAK: Hon'ble President: I would confine my submission to the point of order only. I may have to speak in regard to the resolution later on.

Your honour has referred to part 2 of Rule 29 so far, and some observations have been made by different members in regard to part 2 only. My submission would be that it is not only under part 2 that the amendment cannot be permitted but I would submit that under part one also we have to see as to whether the amendment proposed by the Hon'ble member is consistent with the purpose of the resolution itself. The resolution, so far as I have been able to understand, presupposes two things; firstly that there are a number of educated people who are unemployed and secondly, in the very nature of things, the educated people generally are not in favour of taking to agriculture and they are in need of special facilities and encouragement so that they may be able to take up agriculture as profession. You will be pleased to find in the resolution the words :—

“A Commission of five official and non-official members may be appointed for grant of lands to those educa-

ed young men who are willing to take up agricultural work", which clearly shows that the scope of the resolution is to find out ways and to open avenues for educated unemployed youngmen. So my submission would be that if provision in the resolution.

MOLVI MOHAMMED ABDULLA : How nice it would have been had the speech been made in Urdu.

MR. PRESIDENT (The Hon'ble Sir Lala Gopal Mukerjee Kt.) : He wants that you may please speak in Urdu.

PT. AMAR NATH KAK : As we are in the habit of expressing ourselves in English in the High Court, it would be easier for me to speak in English.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.) : But the language in Assembly is Urdu.

PT. AMAR NATH KAK : There is an option. Anybody may speak in English.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.) : Somebody will have to translate it. Who will do it ?

PT. AMAR NATH KAK : It will take me one or two minutes more and then I will state its purport in Urdu.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.) : All right.

PANDIT AMAR NATH KAK : So my submission is, Sir, that the question of granting lands to the uneducated unemployed does not arise and is not within the scope of the resolution. The words used in the first part of the Rule are that an amendment must be relevant to, and within the scope of the motion to which it is proposed. My submission would be that the present amendment is not within the scope of the resolution and therefore it is not relevant. Secondly I submit that the words of clause 2 are wide enough. It is not in the negative form only that the resolution is inadmissible. The words used are "which has merely the effect of a negative vote."

If the resolution is accepted in the amended form and is passed by the House, the result would be that it will be highly impossible for the educated unemployed to get any land for agriculture because the number of the uneducated people may exceed the number of the educated people. So far as the uneducated unemployed are concerned no question arises as to whether they are willing to take up agriculture as their profession. They are already in the profession and they have

taken to agriculture and similar occupations as their means of livelihood. If the amendment is accepted, the result will be that the proposal will be altogether defeated in practice and educated unemployed will not be able to get any facility for agricultural work. So my submission would be that if the purpose of the amendment is that, in effect the main resolution will be negatived. Such amendment should not be allowed. My submission is that so far as clause 2 is concerned the amendment will have the force of "negative vote" and therefore it is not permissible.

PANDIT AMAR NATH KAK: What I have submitted is that the amendment which has been proposed will not at all be relevant under clause 2 as also under clause 1. Therefore the amendment does not fall within the scope of the resolution. In moving this resolution the intention of the mover was clearly this that the educated unemployed be granted agricultural land to take up agriculture as a profession as has been done in other places also, so that, they may no longer remain unemployed. The wordings of the resolution are clear that some scheme be thought out to grant land to educated youngmen so that they may take up agriculture as profession.

Even under clause 1 Rule 29 this amendment is not relevant and under clause 2 the result of the amendment will be that the chief intention of the resolution that land be granted to educated unemployed, will be negatived. Therefore, under clause 2 also this amendment is not relevant.

MIAN AHMAD YAR: Sir, my submission is that my learned friend Pandit Amar Nath Kak has not proved that according to clause 1 of Rule 29 the amendment is not practicable. It has been clearly stated in rule 29 that the amendment should be relevant to the main resolution and should not have a negative effect. Pandit Sahib says that according to rule 29 the resolution will be negatived by such an amendment. The intention of the resolution is that the unemployed youngmen may be granted land but the mover restricted the scheme to educated unemployed only. By this amendment the resolution is not negatived but rather its scope is extended. The amendment comes within the scope of the resolution and under no circumstances has a negative effect. By moving this amendment the mover has no intention what-so-ever that lands be not granted to educated unemployed. From the present amendment which is most relevant to the main resolution it is quite evident that the uneducated unemployed

may also be included amongst the educated unemployed and thus the scope of the resolution is extended and the amendment is in no way in conflict with the main resolution. As a matter of fact Mr. Kak wanted to defeat the purpose of the Land Alienation Act by this and it was for this reason that he said so. For, according to what has been said by someone "the meaning of the verse is in the mind of the writer."

In short, the main resolution cannot be negatived by this amendment and the real intention of the resolution is not lost.

MAJOR GENERAL JANAK SINGH: Sir, I too am in sympathy with what Mian Ahmad Yar has affirmed. Moulvi Sahib's scheme is not theoretically negative. His intention is that lands be granted to the uneducated unemployed along with educated unemployed and work be provided for them. So far as the theory is concerned this amendment does not have a negative effect but practically it does have a negative effect. By way of example I would say that in a village there are two brothers. There ensues a feud between them and they want to divide their property. Both are in favour of a decision by the Punch and the judgment is that as long as the entire land of the village is not divided this property cannot be partitioned. In practice it is not possible but theoretically it appears quite sound. Now this is the duty of those who frame laws that they may look to the practical side as well as the theoretical one.

PT. RAM CHANDRA DOBEY: In this connection I would like to submit that if the intention is to widen the scope of the resolution then the question arises what connotation should be given to the word "educated;" that is, no standard has been fixed for the word "educated". One man might consider himself educated while the others regard him as uneducated. Some standard should be fixed. In my opinion a B.A. qualified should be considered "educated". The language of this place is Dogri. Will a man who knows "Dogri" be regarded educated? I can't understand how the term "educated" will be defined. Will a Matriculate Intermediate qualified or B.A. be fit for being called "educated"? In my opinion the present amendment does not negative the resolution but rather it gives the term "educated" the widest significance where by the uneducated unemployed can also be included in it.

SARDAR DHIAN SINGH: It cannot be said that the interests of the people who can acquire land according to

Government rules are at stake if this amendment falls through. Uneducated people will also go on acquiring land like that and the object of the main resolution will be defeated. It is the paramount duty of the Government to remove unemployment, therefore, much advantage will accrue to the people by this resolution.

MR. PRESIDENT (The Hon'ble Sir. Lalgopal Mukerjee Kt.): At present you should speak about the amendment whether it should be adopted or not.

SARDAR HARI SINGH: I agree with Pandit Sahib, there should be no amendment.

MR. PRESIDENT (The Hon'ble Sir, Lalgopal Mukerjee Kt.): Does the amendment, in your opinion, come under Section 29 or not?

S HARI SINGH: No, it should not.

KHAWAJA GHULAM MOHAMMED SADIQ: The term "Amendment" means the addition or deletion of some words to or from the main proposition. Now, what has to be seen is whether there has been some addition, to the main resolution or something has been deleted from it. He has manifestly made an addition of some words to the resolution and these words do not mean to give a negative effect to the resolution. These words do not negative the resolution. It would have negated the main resolution had it been worded to mean that the educated unemployed be not granted land.

MR. PRESIDENT (The Hon'ble Sir. Lalgopal Mukerjee Kt.): I want to draw your attention to the point under discussion. I am not stopping you. I want to hear you.

KHAWAJA GHULAM MOHAMMAD SADIQ: Sir, what we consider is whether at first sight this amendment appears to contain anything to have a negative effect and not, as to what effect it will have when it is passed. Under the present circumstances we cannot say what will be the effect of the amendment after the resolution is passed. Even the Hon'ble President would grant.

MR. PRESIDENT (The Hon'ble Sir. Lalgopal Mukerjee Kt.): Please leave me alone.

(LAUGHTER)

KHAWAJA GHULAM MOHAMMAD SADIQ: I will submit that no member of the House is in a position here to state the number of uneducated unemployed in the State nor can it be known as to how much land is available at present for this

purpose. So long as we do not know about these two facts we cannot decide what effect will this amendment have on the main resolution. We do not have the figures before us, therefore, we cannot say what effect will it have subsequently. It is the intention of the resolution that unemployed youngmen may be granted relief. Mr. Kak has submitted that even according to Section 29 sub-section (a) this amendment is not admissible. I differ with him. The main intention of the resolution is that the unemployed may get some relief. In the amendment it has been stated that relief be granted to uneducated along with the educated unemployed. It nowhere appears along with the educated unemployed. It nowhere appears from the wording of the amendment that this amendment is either beyond the scope of the main resolution or is irrelevant. In the resolution there are the following words :—

“Youngmen who are willing to take up agricultural work”. The amendment proposed is to add the words “and other unemployed” after the word “educated”. This does not mean that all uneducated youngmen will come forward but only those will come who are willing.

SARDAR HARI SINGH: I want to speak on the amendment only. Regarding the resolution I will speak later.

A VOICE: He is speaking on the merits of the amendments.

SARDAR HARI SINGH: Yes, sir. I will speak on the amendments only.

THE HON'BLE MR. WAJHAT HUSSAIN: Is he going to speak on the merits of the amendment or on the admissibility of the amendment?

MR. PRESIDENT (The Hon'ble Sir, Lalgopal Mukerjee Kt.): (Addressing S. Hari Singh) Please say whether the amendment is admissible under rules or not.

SARDAR HARI SINGH: Sir, I moved a resolution of similar nature during the last session of the Praja Sabha.

MR. PRESIDENT (The Hon'ble Sir, Lalgopal Mukerjee Kt.): You may discuss only whether the amendment falls under rule 29 or not.

SARDAR HARI SINGH: Regarding this I will submit that the term ‘educated’ can include those persons also who have read Persian or Panjabi. In my resolution I had stated that work be supplied to educated youngmen. Pandit Amar Nath

Kak said that the word 'uneducated' may also be added and I agreed to it.

The term 'educated' can include all persons qualified in whatever language, be it English, Persian, Dogri Gurmukhi, etc. Therefore, I speak in favour of Pandit Sahib: the amendment is not admissible.

SHEIKH ABDUL HAMID: I too would like to say something regarding the present issue. The matter towards which I want to draw your attention, first of all, is that if it be the real intention of the Government that lands be granted to the uneducated people also.

LALA SHIVNATH NANDA: You have to discuss the legal side of the issue. Here it is no question of agriculturist or non-agriculturist.

SHIKH ABDUL HAMID: You have not read Law. How can you interfere. First listen to the arguments and then speak.

L. SHIV NATH NANDA: As if you alone know Law.

SHEIKH ABDUL HAMID: So far as I think the amendment does not have a negative effect, it is merely an addition. If the intention of the Government is to grant lands to the educated unemployed, it is a different matter. For instance, a man says "I want to give away something in charity" (as the Government which has lands, will do), another person proposes that alms be distributed among orphans, still another says that the orphans as well as the widows (who have no means of subsistence) be also given something in charity. Similarly, I think the amendment lends an air of grace to the resolution and expresses it with greater propriety so that all that has to be distributed be divided amongst the deserving.

Even so if members have to be elected to the Assembly or the Praja Sabha and if on the one hand there be this proposal that four Sikh members be taken and on the other it be the intention of my Harijan brethren (whose number is greater than the sikhs) that six of their members be elected then so long and the number of Sikhs is not reduced it will not be possible that six members be taken from the Harijans. What I mean is that so long as the number of Sikhs is not reduced that of Harijans cannot be increased. This is the intention of "negation". So long as the State be not such that a decrease on the one side might lead to an increase on the other it cannot be proved to be negative.

Nowadays every community in the State is making rapid progress in receiving education. The communities with great numerical strength will receive more and more education day by day. The present education is such that every one is running after service. In the State 85 to 86 per cent of the population is such who have no chance of getting employment even after receiving education and at last they will have to learn some arts and crafts. Land should be granted to those educated persons only who will cultivate in with their own hands and will make some earnings so that there may be an increase in the income of the State. If this resolution is passed and the educated unemployed are given land they will not cultivate it themselves. In the very brief time at my disposal, the instances which I have cited show that the amendment which has been moved should not be adopted.

MR. PRESIDENT (The Hon'ble Sir. Lalgopal Mukerjee Kt.): Are not the Government speaking?

THE HON'BLE MR. WAJAHAT HUSSAIN: In a matter like the present one we will abide by the decision which you have arrived at

PANDIT AMAR NATH KAK: Nobody can go against that.
Note:—When Moulvi Mohd Abdullah started his speech Lala Hans Raj enquired if he also would be given time to speak.

LALA RAM LAL: After Moulvi Sahib nobody will have any right to speak.

MR. PRESIDENT (The Hon'ble Sir. Lalgopal Mukerjee Kt.): You will have no right to speak.

MR. PRESIDENT (The Hon'ble Sir. Lalgopal Mukerjee Kt.): Those members who desire to speak should stand up.

LALA HANS RAJ: I beg to be excused. The proposition which was submitted by honourable the mover was that lands be granted to the educated unemployed so that they may be able to earn their living by cultivating the land themselves—
“An unemployed person either falls sick or takes to thieving”

Mard-i-bekar ba shawad duzdud bimar.

There is no doubt in the fact that educated people desire State services but they do not get them because the services are not many. Therefore, if they are granted land they can cultivate it themselves. I will submit that it is a fine proposal which has been made in the amendment that all unemployed people should be granted land. I can't understand English. It has not been made clear as to what is meant by the term “unemployed”. Does this include uneducated also?

MR. PRESIDENT (The Hon'ble Sir. Lalgopal Mukerjee Kt.): Yes, that is what is meant.

L. HANS RAJ: If it means that all those unemployed besides the educated unemployed be included in it then this resolution is useless. The plea from the educated unemployed at this time is that some arrangement be made for their bread and if the other unemployed are also added to them then neither will the main resolution be of any use nor will the amendment be of any advantage;

SHEIKH ABDUL HAMID: Of course!

LALA HANS RAJ: All these matters could have been decided if the State had any such scheme to remove unemployment. In Government services bribes shall be accepted but here the land will be tilled with one's own hands. The question is that unemployment be removed and these people be made fit to earn their bread. All the proposals which have been made for earning livelihood are known to the Government. At present there is so much of confusion that I feel every one is grinding his own axe.

PANDIT LOKNATH SHARMA: Some body is anxious to get a bridge constructed in his village.

L. HANS RAJ: How many educated unemployed are there who will till the land themselves. Sir, I was submitting whether the list of unemployed also includes those qualified in Medicine, Engineering or Science?

SHEIKH ABDUL HAMID: Of course!

L. HANS RAJ: If by the "unemployed" is meant the 'educated unemployed' then they will not cultivate at all.

Har yake ra bare kare sakhta mel an dar khatarash and-akhta.

"God has assigned to each man his duty and has created a liking for that profession in his heart."

The educated unemployed will do nothing except giving directions about the putting of manure here and there and will do nothing themselves but will sit with books in their hands.

SHEIKH ABDUL HAMID: Of course! They will do better ordering.

MR. PRESIDENT (The Hon'ble Sir. Lalgopal Mukerjee Kt.):

If you disturb like that you will waste your own time. I have no objection.

PANDIT LOK NATH SHARMA: Now he has started changing sides.

LALA HANS RAJ: He is my teacher. Everywhere he teaches me.

PANDIT LOK NATH SHARMA: At first he was submitting that the amendment should be adopted but now, perhaps, he has changed his mind.

MR. PRESIDENT (THE HON'BLE SIR LALGOPAL MUKERJEE KT.): You speak whether the resolution should be accepted or not ?

L. HANS RAJ: These are the wishes of my heart and I desire that the resolution should be accepted. If I had been given time I would have spoken on this point, now I will only submit that the resolution should be accepted.

MOULVI MOHAMMAD ABDULLAH: I agree with Kak Sahib but he is opposed to the main resolution. The number of educated unemployed is three to four thousands and lands are to be provided to them. I have understood the main purpose of the resolution. If the land be granted to educated unemployed only then what is the solution of the problem of general unemployment. Therefore, the condition of education be removed and the resolution be improved upon through an amendment. I submit if this is not done it will have a negative effect on the main resolution. He too has supported this. When this was discussed hon'ble the President doubted that the amendment may have a negative effect. Now if a request is made for accepting it in its proper sense it would be justifiable. Therefore, the amendment may please be accepted. A similar resolution was moved in the House last year by Sardar Hari Singh and an amendment was also introduced. I do not understand what good there was in submitting an amendment when so many others submit them in the House. I feel that my learned friend will agree with me and I hope there will be no need for further criticism after this. Major General Janak Singh who is a State Councillor has no scruples to yielding to a just principle.

MR. M. A. BEG: Are not State Councillors men of principle

MOULVI MOHAMMAD ABDULLAH: One fact which he has stated is that in principle this will have a negative effect. In the Kashmir Valley the Government has 128 thousand acres of land. At this moment I don't want to discuss whether that land should be entered as Khalsa or as Shamilat

but what I want to submit is that 128 thousand acres of land are sufficient for five thousand people. I submit that this land be granted to the unemployed so that they may be able to cultivate it with their own hands. In the end I would submit that any such resolution which may be prejudicial to the interests of the agriculturists would be against the principle. If they grant ten or twenty villages to the educated unemployed who will till the land themselves we will be all the more pleased. But before undertaking any experiment they should not plunge into any discussion. I feel no further argument has been advanced except a few words which have been "got up." I do not want to rebut them. I shall discuss the principle in question later. Had there been any strong argument in the speeches I would have answered that. I do not want to take any more of the precious time of the House but I shall simply submit that you want a clash between the educated and the uneducated unemployed. I do not want a tussal nor do I desire that in this peaceful State of ours there should occur any such thing which might lead to some strife.

MR. PRESIDENT (THE HON'BLE SIR LALGOPAL MUKERJEE KT.): You may speak later, on that, when the main proposition is before the House

MOULVI MOHAMMAD ABDULLAH: Now I would submit that let there be no more arguments but let there be some good amendment.

MR. PRESIDENT (THE HON'BLE SIR. LAIGOPAL MUKERJEE KT.): RULING !

The resolution moved by Lala Shivna'h Nanda runs as follows:—

"This Parja Sabha recommends to the Council that a Commission consisting of five officials and non-official members be appointed for the grant of State lands to those educated youngmen who are willing to take up agricultural work, so that after enquiry the commission may submit a scheme which can enable those educated youths to have their full meals".

Moulvi Abdullah has put in an amendment that the words "and other uneducated" should be added after the word "educated" and before the word "youngmen".

When the amendment was moved the President wanted to hear Moulvi Abdullah whether his amendment had any effect of negating the vote under clause (2) of Rule 29 of the

Rules of the business of the Praja Sabha. That learned member put his argument before me and so did good many other members who spoke on either side and lastly Moulvi Abdullah was heard.

In my opinion the amendment should not be allowed and the reasons are these:

The resolution professes to recommend to the Council that a certain Commission should be appointed with the object of granting State lands to those educated young men who are willing to take up agriculture as a profession. The amendment is to the effect that not only educated young men but also uneducated young men should be granted land for the purpose of agriculture. The result of the amendment would be that the entire population of the State, who may be out of employment, would be entitled to have the benefit of the recommendation. The object of the mover of the resolution is not that the whole unemployed population of the State should have a particular benefit but that educated young men, who could not get employment, should have open to them a means of earning bread. The object is to solve the problem of the educated young man and not to solve the problem of the unemployed in the whole State.

Whether the State should aid or not a particular class of the unemployed as is proposed in the resolution is a matter which can be discussed under the main resolution and for that purpose the amendment is not necessary.

For the reason given above the amendment is disallowed. The resolution will now be argued on.

MR. PRESIDENT (THE HON'BLE SIR. LALGOPAL MUKERJEE KT.): Gentlemen, who want to speak on the resolution may speak Resolution No. 6 of yesterday to be continued.

On behalf of the Government nobody has spoken.

THE HON'BLE MR. K. N. KNOX: Sir, about the proposal for appointing a Committee of five official and non-official members, to discuss the question of finding land and settling unemployment of educated young men, I want to say that there is a three or four years scheme by Director of Agriculture for providing educated youngmen with some work by granting them land under cooperative system. And it is under the consideration of the Government. I have seen the papers recently. I have some doubt as to the proposal of working of the educated young men like this. Besides that so far there is no land available. I have every sympathy

with the mover of the resolution. I want the mover and the Committee proposed to discuss it and see if anything can be done for the unemployed educated young men. If anything better can be done, I shall be very pleased indeed

LALA SHIV NATH NANDA: Since I have received a satisfactory reply from the Government and the Hon'ble Revenue Minister has said that the proposition is under consideration with the Government I withdraw my resolution.

(Note. The resolution was withdrawn with the permission of the House.)

Mr. PRESIDENT (The Hon'ble Sir. Lalgopal Mukerjee Kt.):
RESOLUTION No: I of Wazir Ganga Ram !

Note:—The Hon'ble President asked the Assistant Secretary to read out the Resolution of Wazir Ganga Ram. The Assistant Secretary read out the following resolution):

“This Praja Sabha recommends to the Council that a Commission consisting of official and non-official members be appointed for Jammu Province to draw up a five-year plan regarding the upkeep and repairs of roads and bridges and protection of agricultural lands against being washed away by the floods in Nullahs and rivers in every Illaqa and sinking new and repairing old wells and tanks in the Illaqa Kandi”.

WAZIR GANGA RAM: Hon'ble President, and respected members of the Praja Sabha ! This fact is well-known to all the members of the House as well the Hon'ble President that in every session different members have asked and moved questions and resolutions regarding roads, wells, diluvion of agricultural lands, drinking water etc etc., in Illaqa Kandi. But not much discussion is necessary on these heads, because the Hon'ble members as well as the Government are feeling the needs for this. But every Hon'ble member of the House desires that the works of his Illaqa be completed first, although the entire Budget may be spent on it. In the different Illaqa there are several small bridges and roads which can be constructed with very little expenditure and the people can be benefitted by it. Repairs can be done to wells and tanks by spending very little amount and if the repairs are put off then one has to undergo heavy expenditure. Under these circumstances, briefly narrated, I would request that a Commission consisting of official and non-official members be appointed to prepare a statement of all available agricultural land as is done in the Punjab and to prepare a five-year plant of repairs of the wells tanks,

roads, etc., etc. In drawing up the plan this may please be borne in mind as to where and in what Illaqas repairs are urgently needed so that the money be demanded accordingly for such works from the Budget.

PT. RAM CHANDRA DOBEY: Sir, this resolution can be divided into three parts. One part concerns itself with those roads and bridges which are under the control of the Public Works Department. Regarding these the public need not make any special representation. Then there are several Illaqas which are not under the Public Works Department but are under the Revenue Department. And these areas are in an utterly neglected state. In reply to one of the questions asked today I have been told that the roads of Tehsil Basohli which are under the Revenue Department are over about two hundred miles. Banihal Road is also about two hundred miles. Much money is spent on the Banihal Road while only Rs. 2000 are being spent on Basohli Road which is more than two hundred miles. It is a very extensive Illaqa and the amount that is being spent on the roads in this Illaqa does not come even to a rupee a mile. We have no complaint regarding the trunk roads which are under the supervision of the Public Works Department. It is necessary that the roads which are not under the control of the Public Works Department be made fit for traffic so that there may be easy means of traffic, and transport and for this purpose there should be some local board as the present arrangement is most unsatisfactory. The other question is regarding alluvion and that is how much land has been washed away by stream erosion after the Settlement. There is nothing new in this matter. We have put this question in the Praja Sabha in several ways and have quoted instances from the Punjab showing the lines on which this work is carried on there and on the contrary showed all that is being done here.

In reply to a question the Hon'ble Revenue Minister said that thirty-one thousand rupees are being spent in Tehsil Basohli. Just consider! All this amount is being spent on the Forest Department. What measures are there which have been adopted to protect land from erosion by Nullahs and streams? Only the Forests are protected there. Although the revenue realised from the forests there is Rs. 7000 the expenditure is Rs. 34,000. I will submit that our lands have been entirely wiped out by Nullahs and streams and there are villages where more than half the land has been

eroded by water. I will submit that the Erosion Committee has done no practical work. Is any consideration shown to the opinion of the public also? It has been stated that the Government is providing great facilities to the Kandi Illaqas because Rs. 40,000 have been spent in one and the same Tehsil and no regard has been shown to the other Tehsils where the tanks and the wells are being spoiled by a few streams. In this Tehsil where Rs. 40,000 have to be spent some four wells will be dug out and who knows when will the turn of the other Illaqas come next "in circulation."

The proper procedure would have been to frame a programme keeping in view the conditions prevailing in the Illaqas and then to take up work after a corresponding amount has been set aside for this purpose in every year's Budget. My submission is that the appointment of such a Commission as would chalk out a five-year programme and would then urge the Government to follow it out in practice, is very necessary.

THE HON'BLE MR. WAJAHAT HUSSAIN: Sir, I want to submit one thing. What is the intention of the mover? Does he want a Commission for Road Cess roads or for roads under the Public Works Department?

WAZIR GANGA RAM: I am referring to Road Cess roads only. If by this the real intention is lost then this practice should be followed in respect of all such roads.

MR. PRESIDENT (The Hon ble Sir Lalgopal Mukerjee Kt) : What do you want now?

WAZIR GANGA RAM: I want a Commission for all the roads.

MIAN AHMAD YAR: Sir, there are at present two amendments before the house regarding this resolution. One of these is as regards the official and non-official members, the other is to include Kashmir Province with Jammu. Regarding official members I would like to submit that they already have an "agency" through the Public Works Department and the Revenue Department. Through this Agency schemes regarding each and every Illaqa can be received. It is therefore that the presence of official members on the Commission is not necessary because they are doing their work, already through the official Agency.

Regarding the non-official element I would submit that the representatives of the public, who are very important

people, and who keeping in view the sentiments and requirements of the people and realizing their own responsibilities should supply information to the Government. They are acquainted with the circumstances and their presence is a great help to the Government in forming a right estimate of the demands of the people.

The other point which has come before the House is that the Commission be appointed for both the Jammu and Kashmir Provinces.

MR. PRESIDENT (The Hon'le Sir. Lalgopal Mukerjee Kt.): Let the second amendment lie for the present. Let the first amendment be decided first.

MIRZA M. A. BEG: I support this amendment.

THE HON'BLE MR. WAJAHAT HUSSAIN: Sir, I want to say just this, that Mian Ahmad Yar should consider for himself how many difficulties have to be faced in the passing of this amendment. What is done at present is that Sub-Overseer Divisional Engineer and Overseer submit estimates for the roads etc. to the Government. Through this amendment it is now stressed that a non-official Committee be appointed for the same purpose. That is to say two "channels" are intended for this purpose. But the non-official Committee cannot work in this direction independently. They cannot prepare estimates. They cannot say about the direction of the road. In short, under these circumstances, the Committee shall have to go to the official channel viz. the Divisional Engineers. If the intention of Mian Ahmad Yar is that the non-official members can be a help to the official members then official and non-official members should work side by side so that they may be able to consider as to what are the requirements. Therefore, in my opinion, it will be reasonable if Mian Sahib will try to understand this thoroughly and will withdraw his amendment because without the official element difficulties will crop up and time will be wasted unnecessarily.

MR. PRESIDENT (The Hon'ble Sir. Lalgopal Mukerjee Kt.): As no more members desire to speak further on this amendment therefore those members who desire that the wording of the resolution should stand and there should be no amendment please raise hands.

Note—Hands were raised.

Those members who are in favour of the amendment should now raise hands.

*Note:—*Hands were raised.

Forty-nine members are against the amendment, fifteen members are in favour. Therefore, the amendment is lost.

Mian Ahmed Yar may please put the other amendment before the House.

MIAN AHMAD YAR: Now, I submit the second amendment which is that the present scheme should be enforced in both the Jammu and Kashmir Provinces. In Kashmir also there are Kandi Illaqas such as Muzaffarabad, Bandipore etc. In these Illaqas also at some places there is scarcity of water, there are no means of communication and there are agricultural difficulties too. Hence this amendment should be adopted and the word "Kashmir" be added so that the difficulties of both the provinces be removed.

THE HON'BLE MR. WAJAHAT HUSSAIN: Sir, this proposal is most reasonable. If a Commission be appointed let it work in both the Provinces.

WAZIR GANGA RAM: I accept this amendment.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): I think S. Kanehya Singh agrees to the present amendment because his amendment too is similar to that of Mian Ahmad Yar, therefore this amendment is acceptable to all.

SHEIKH ABDUL HAMID: If the resolution is accepted the amendment also accepted.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): Of course!

MAJOR GENERAL JANAK SINGH JI: It appears this resolution shall have to be accepted.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): Does anybody want to speak on the resolution for or against?

S. HARI SINGH: (written speech) Sir, this resolution has three parts:—

- (1) Repairs and construction of roads and bridges in the interior.
- (2) Prevention of agricultural land from eroision by floods in river and Nullahas.
- (3) Fresh construction and repairs of wells, tanks etc., in Kandi Illaqas.

Regarding part I, I will submit that it is necessary for the public convenience so much so that during the last

session Pt. Ram Chandra Dobey said that if, the Government did not have money at the time for roads, at least bridges etc. be constructed so that the zamindars may have facilities in the means of communication. Sir, if the bridges and roads be in good condition the economic condition of the zamindars can be much improved. Under the present circumstances they, get very poor return for their commodities after the charges for transport etc. have been deducted and the articles which they fetch from the cities are pretty dear. If the rains set in earlier or if on account of some reasons the zamindars are not able to carry their goods to the market and the rains set in then they have to keep their produce at home for the whole winter. As a result a portion of his produce is lost to him. This matter has been brought before the unemployment Commission.

I will submit that the Jammu Province is situated on the skirts of the Peer Panjal. The water from the Peer Panjal and the western hills flows down in such a manner that there can hardly be any village where so much deluvion takes place. The officers of the State have very carefully got prepared the lists of compensation for alluvision, diluvion that may have taken place anywhere so that there may not be left a village which has not received compensation for the diluvion of land. This is done in the case of rivers and Nullahs where there is annual diluvion. There are many other villages where diluvion takes place on account of excessive rains or avalanches and compensation is granted to them on the merits of their case. Protection against diluvion is an impossibility because the rain water has to flow down the hills and when there is a heavy rainfall the water also flows down with great rush and diluvion is but natural. In Tehsil Bhimber, Akhnoor, Samba, etc., where during the last fifteen years much diluvion has taken place the precious lands of the zamindars have been washed away together with their two crops Rabbi and Kharif. Several zamindars had to change their residential houses also and the Nullahs which previously measured one hundred or two hundred Karams across have now acquired a span of two miles. They are increasing in their span day by day. The reason for this is that at the sources of these Nullahs formerly there were jungles and brushwood and on account of the forests the rain water could not rush down collectively with any great force. The people of the central and the hilly tracts would also keep by provisions for the year. Now the forest trees are all withered and dried and the water flows

down enmasse with great rush with the result that agricultural lands are washed away. At the time of Settlement the Forest Department grew plantation in such tracts. But in spite of twenty-five years having passed no practical steps have been taken in this direction and so long as there are, no forests the river sources' diluvion will never cease but shall everyday be on the increase. On account of these reasons I too agree to it.

(3) Regarding fresh construction of wells and the repairs of tanks etc., in the Kandi Illaqas I will submit that in the Jammu Province these hardships are mostly felt in Tehsil Akhnoor, Bhimber and Samba. So far as I know all the money that had been allotted in the Budget has been spent in Tehsil Bhimber. Although in the other Tehsils there are more urgent works which if undertaken in proper time both the zamindars and the Government would have profitted and with a very little expenditure the people would have been benefitted. On that ground also I agree with the mover of the resolution that a Commission be appointed which should after giving due weight to these matters prepare a five-year plan.

THE HON'BLE MR. WAJHAT HUSSAIN: Sir, if I may be allowed I would like to speak before L. Hans Raj speaks.

L. HANS RAJ: No, Sir, I want to speak first.

THE HON'BLE MR. WAJHAT HUSSAIN: L. Sahib should know that there are several matters on which if I speak first he will be greatly helped.

L. HANS RAJ: All right, Sir

THE HON'BLE MR. WAJHAT HUSSAIN: Sir, there are three issues in this resolution i. e., it has three parts.

The first part is regarding which Wazir Sahib has just stated that a list of such roads and bridges be prepared where repairs are necessary and the list should be sent to the Government.

The other part is about the preparation of another list of such parts of the State where diluvion is taking place on account of rivers and Nullahs and such list may be sent to the Government for consideration.

The third part concerns itself with the supply of water in Kandi Illaqas.

I will say something, first of all, about Kandi. In reply to a question by Wazir Ganga Ram it was stated that the

new Hon'ble the Revenue Minister is considering over the matter and has decided that all the amount that may be granted for the supply of water in Kandi Illaqa should not all be spent at once.

All of my friends who are present here, in my opinion, will agree with me that first of all one part of Kandi Illaqa should be attended to and all its demands fulfilled and then attention should be diverted to some other part of the Kandi Illaqa and so on. What I mean to say is that we should not spread out all our money on different items of expenditure but rather we should attend to one part first, and after making complete arrangements for the supply of water should attend to the other parts. Let not the money be spent on large scale in the very first instance.

According to the former scheme that was proposed for the supply of water in the Kandi Illaqa an Irrigation Division was set up, the function of which Division was to provide ways and means for the supply of water in those parts of the Illaqa where there is scarcity of water.

But the result of this was that complaints came pouring in from all sides which showed that the Division had not done satisfactory work.

The other matter which the Hon'ble Revenue Minister stated was that an enquiry should be made in those Kandi Illaqa's where there is a pressing demand for providing tanks and digging out wells. Accordingly a Committee was set up and one or two such officials were appointed on the Committee who were fully familiar with those Illaqa's.

Hon'ble Revenue Minister took up the case of that part of the Kandi Illaqa first where water is most needed. That area is part of Tehsil Bhimber. In my opinion shortage of water is nowhere so acute as in that Illaqa. My dear friends who are present here will tell us how wretched the condition of Deva Batala is and how many hardships there are on account of shortage of water supply. Accordingly a Committee was set up. This Committee said that the sum of Rs. 40,000 is not sufficient therefore they made a further demand for Rs. 5,000. We hope we will be able to meet this demand this year. Wazir Ganga Ram also approved of this scheme. Lala Hans Raj (who is probably the only member who represents all the people in this House) also said that indeed this scheme that has been proposed by the Government is worth while.

As one Committee is already taking steps to put the scheme in practice the appointing of another for which demand has been made in the resolution under discussion would mean that all the work done by the first Committee will be work wasted. Because it is quite probable that that Committee may propose any such scheme whereby the work already undertaken may be left incomplete. Therefore, I will submit that the third part of this resolution the wording which are, "And sinking new and repairing old wells and tanks in the Illaqa Kandi," may be dropped.

Now about the other part which is "protection of agricultural land against Diluvion by floods in river, streams and Naullabs". Regarding this I will submit that even in the last session of the Praja Sabha there was this question and the Government replied that the matter is under consideration as has also been pointed out by Pt. Ram Chand Dobey. Now for this purpose a Committee is proposed to be appointed. Diluvion is due to the streams, Nullahs and rivers. From the experiments that have been conducted in the Punjab it has been found that the Forest Department can be of the greatest help in this matter. Because if afforestation keeps apace there will be no diluvion. Last year Rai Bahadur Pandit Anant Ram said that a Committee would be appointed with the Chief Conservator of Forests as president and the Chief Engineer and several other such officers as are acquainted with the work as its members. The Committee has not yet been appointed. Now that a new Hon'ble the Revenue Minister has come and the matter is receiving consideration it is hoped that such proposals will be forthwith sent to the Government. I request that the second part of the resolution may please be deleted because it is already receiving consideration. Now about the roads. Nearly all the roads of the State are under my supervision. Therefore I keep on receiving information regarding the roads from my subordinates. But I feel, that the Praja Sabha can be of greater help to me in the further lay out of the roads because the Hon'ble members of the Praja Sabha can let me know the places where new roads are necessary and where repairs are needed.

Therefore, in my opinion, if a Committee is appointed that will certainly be useful. I have to say this on behalf of the Government that if the last two parts of the resolution are deleted the Government is prepared to accept the resolution.

LALA HANS RAJ: Sir, whatever Hon'ble the Home

Minister has said

SHEIKH ABDUL HAMID: Hon'ble President! In my opinion it may be enquired of the mover of the resolution whether he agrees to the proposal which has been made by the Government or not. Lala Sahib should be given the right of speech after that.

A VOICE: I am afraid that is not necessary, in view of Rule 79, which is that the President can divide the resolution and put any point separately to the vote as he may think fit.

LALA HANS RAJ: What are the orders for me sir?

MR. PRESIDENT (The Hon'ble Sir, Lalgopal Mukerjee Kt.): You speak on.

LALA HANS RAJ: Sir, my submission is that there are three points in this resolution. A resolution identically the same as is submitted by Wazir Sahib today will also be submitted by me. The resolution, it has been pointed out, has three parts. I will speak about them. The first part is that a Commission consisting of official and non-official members be appointed for the Jammu Province, which would find out those roads and bridges in the interior Illaqa which need repairs.

About the roads in the interior it has been stated in the first part. Regarding this part I would submit that at the time of the first regular Settlement in the State, we used to have 'Chilki' rupees which were worth ten annas each. Soon after the Settlement new currency came in use and revenue was assessed in every place. What I mean is, can your honour, or the honourable members or, our pride-Thakur Sahib, who is present here, can say whether there is any village in the country-side where there is any road. There are absolutely no roads in the villages but if there are any they are meant for the cars of the high officials and not for the use of the poor travellers. There is not even a common foot-path for them.

Gamie baharki rasad malool mikunad mara basanie chashmie keh nala brie har ufie.

"I feel for the grief of others just as tears well up in the eye when any part of my body is hurt". What I mean (I feel like weeping that the members should laugh on whatever I say) is whenever I go to the country side, all the Hindus and the Muslims who have known me for the last forty years and have been dealing with me, tell me that not even one such regulation or law has been made or enforced here which may have proved to be of any use to the people. I shall never tell a lie to an officer like your honour but I want to submit that this is our last plea. As the time is running short I will

submit that the Government will profit by laying out roads. We cannot easily go from one village to another for want of proper roads. That is the first part and must be approved. Now to the other point which is about the agricultural land. Leaving aside my Illaqa, I saw even in the Illaqa of Pandit Dobey and in the vicinity of Saruba that several thousands of ghamaon of land were made the beds of streams and rivers which we call 'Khadds'. The land there is in such a dilapidated state that the zamindars complain that the Government has done nothing for them. The revenue, however, is realized for them. They say, "We cry but there is no redress". This is really deplorable. It is incumbent on us that we should form societies and represent this matter to the Government. The Governor is quite sympathetic and is always ready to help the people. But, single-handed he cannot do anything. He has so much work to do that he cannot cope with it. Therefore a Committee should be appointed which should help him in his work and should propose a scheme so that gradually small bunds are raised and the zamindars are saved. Wazir Sahib also has expressed it in an admirable way as to how can the people be saved from the diluvion of their land. These people complain, propose schemes, but no action is taken on them. When the people approach these officers they say 'we can not do any thing'. In a period of forty years I found that nearly four thousand ghamaons of land had been washed away. Now, no land has been left with the poor zamindars. I submit it may not be thought impertinent on my part, but the Illaqa of Hamirpur Sidhar that has been subject to diluvion has been mainly due to the lack of attention and neglect on the part of the officers concerned. They are answerable to Government. We don't have any hope that an officer will meet out justice to us. By now the loss is estimated at about twenty-five lakhs of rupees and this has occurred in twenty-six years. We were crying and submitting that by spending only five thousand or seven thousand rupees diluvion could be checked. How far better it would have been if people had been helped by spending this small amount. We went round to several officers and said 'sir, do this as a favour to us'. Thakur Sahib, who is our pride, did encourage us, and promised to save our Illaqa. Now that luckily his land also is being washed away he has got some amount sanctioned.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: As yet, nothing has been sanctioned.

LALA HANS RAJ: Four years ago that this question was put in Council to Rai Bahadur Tulsi Ram. At the time Major General Janak Singh was also present there. He submitted an estimate of seventy-five thousand rupees. When the estimate was submitted there was a question on behalf of the Council whether the Illaga would be saved by spending Rs. 57,000 and whether he would undertake the responsibility. In reply he said that he could not undertake any responsibility and the estimate of Rs. 75,000 was dropped. Now a scheme involving an expenditure of Rs. 75,000 has been formed. The scheme is a tentative one. And now our Hon'ble the Home Minister has formed another scheme costing rupees six thousands which has not been sanctioned so far. I have regularly been going to Srinagar for the last three years and went round to every place. I got printed big pamphlets and placed them on the tables of all the high officials. I was not a member of the Parja Sabha then. But God willed that I should become a member of the Praja Sabha. The Late Hon'ble Sir Barjor Dalal had become fully familiar with my principles.

SHEIKH ABDUL HAMID: And the House also come to know of them.

LALA HANS RAJ: I requested him that I may also be granted an opportunity to speak. At that time I submitted to him that when he will have heard all the speakers he might give me permission also to place before him my heart-felt sentiments. He ordered that that would not be taken up that day because he thought I would be saying everything in an outspoken manner. The Secretary who is present here did not allow me to speak. When this resolution was submitted at that time Hon'ble Colonel Colvin stated in a very nice manner that he had had great sympathy with the resolution and that much damage had been done to land. He said, "Lala Hans Raj remarks are justified and the resolution should be accepted." He said "even if ten lakhs of rupees are necessary we would borrow it but we shall remove this complaint. We will consult some expert in the matter and will start the work". We thought it a stroke of good luck that a European was making a promise. The experts were wired to at Calcutta, Bombay, Benares and other European countries to come and remove the hardships of this Illaga. But later no arrangement was made to call them. The zamindars complain that nobody listens to them and if they were given the opportunity they could remove this trou-

ble by spending only Rs. 50,000. The matter remained under consideration till the rainy season set in and still greater damage was done. In January when the scheme was enforced it was said that all the seventy five thousand rupees may be spent in Lala Hans Rajs' village so that by spending Rs. 76,000 on the villages surrounding that of Lala Hans Raj the hardship of that village be removed. But this too was not to be. As a result even the sum of Rs. 75,000 was lost in grim deliberations. Hon'ble the Home Minister asked of me as to how could my village be saved. But I do not feel that at all necessary. What I say is let my village go to blazes but let the public be saved. Hon'ble the Home Minister favoured my brother with a contract of Rs. 5,000 and, that for the reason, that I may be pleased Syyed Mir Hussain Shah said that a loss of twelve to thirteen lakhs had been sustained. He said this Illaqa is like that of Kashmir and can be saved from deluvion by a little deflection in the course of the river. I listen to these matters sorely aggrieved at heart. I am not interested in any one in particular. Let me not be misunderstood to be selfish but I shall say that this difficulty can be solved by appointing a Committee. Your honour is representing our His Highness the Maharaja Bahadur. Do justice to us as there is no course open for us to convey our submissions and telegrams to His Highness.

SHEIKH ABDUL HAMID: The road is wide enough.

L HANS RAJ: Therefore, I submit that the resolution may be accepted and a committee be appointed. My chief desire is for the supply of water to Kandi Illaqa. The Late Hon'ble Sir Barjor Dalal used to give parties to the members of the Praja Sabha every year.

PANDIT JIA LAL KILAM: The party shall begin day after tomorrow.

THE HON'BLE RAO BAHADUR THAKUR RARTAR SINGH: He used to serve tea instead of water so that water may not be needed.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): What has the party to do with Kandi Illaqa?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji: Tea serves as a substitute for water to quench thirst.

LALA HANS RAJ: On one occasion during the party it was raining. I too was present. Lady Dalal was very kind to me. She came round and sat down by my side. She had known from one event the sort of man I was.

PANDIT JIA LAL KILAM : What was that event ?

LALA HANS RAJ : I don't want to say that but since you insist I must say it. Benign sir, that matter is just this. In the beginning, when, Sir Barjor Dalal had come into the State as Chief Justice he invited every body and he invited me also. These invitations were issued on behalf of Lady Dalal. Considering her as mother I went to her.

SHEIKH ABDUL HAMID : Are you speaking about the Kandi Illaqa or about Lady Dalal's invitations ?

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.) : Say what you have to say in regard to the Kandi Illaqa ?

LALA HANS RAJ : According to my practice I regarded her as mother and falling down on her feet submitted, "it is lucky that our brethren are here together". I further submitted, "In the Kandi Illaqa the water is as green as is the colour of your table cloth. While such is the state of affairs regarding water supply in Kandi Illaqa; we are enjoying tea-parties here". I told her that the people of the Kandi Illaqa had sent the corked bottles of water to the Council. At this Lady Dalal donated a sum of one thousand rupees and said that a well may be sunk after her name. I submit that I appealed to all the officers and stated to them that they had received lakhs of rupees from the State; that all big people sink wells, and construct Dharamshalas (Serai) for the poor and that they too should give us some money. I submitted to Hon'ble Colonel Colvin that I expected five thousand rupees from him as donation. When he was convinced that I will not leave him until I have got the sum, then he tried to dissolve the very Committee. I proposed the Committee to consist of five gentlemen viz:—

- (1) Pandit Anant Ram.
- (2) Thakur Kartar Singhji.
- (3) General Khajur Singh
- (4) Wazir Tej Ram and
- (5) Col. Baldev Singh.

This was done in order to waive off all chances of embezzlement. What I say is that all of you who are officers in the State should do good to the public and provide water for them.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.) : Do you support this part of the resolution?

LALA HANS RAJ: Heartily!

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): Now, listen to others and see what they have to say on this matter.

LALA HANS RAJ: I am much obliged to you, sir. I have so much to talk about as would not be finished even if I speak for the whole day. I am obliged to Wazir Ganga Ram for all the three points submitted by him. I am obliged also to you, sir. With these words I conclude my speech.

WAZIR GANGA RAM: Sir, before I comment upon what the other members have said I want to say that I am obliged to Hon'ble the Home Minister. He said that Hon'ble the Revenue Minister liked the Kandi Scheme. It is a matter for gratification that the scheme which we designed for the Kandi Illaga has met with Hon'ble the Revenue Minister's approval. The other point is regarding the floods in the Nullahs etc, to which the Hon'ble the Revenue Minister has already agreed. Now my submission is this it would be much better, if a Committee is set up keeping in view all these three points.

MIAN AHMAD YAR: Sir, the resolution which has been put before the House is most reasonable. By passing such a resolution, by setting up this Commission and by acting on its recommendations I would submit that the country would become prosperous and surely there shall be an end of all the hardships. I will submit, in especial, the example of my won Illaga which is a very extensive one. I mean the Karnah Illaga which extends as far as Chilas, but there are no means of communication there. There is no doubt that the Government had political interests in the Rajori Illaga and therefore it was devoting its attentions to the roads there. But if the extensive Illaga, about which I have referred, be looked at from the political standpoint, it shall be found to be very important. But no one rules there; nor is there any administration and all the agricultural land is lying fallow and is entirely running into waste. Therefore, the resolution which has been submitted, is a nice proposal i. e., a Commission may be set up which would enquire about such Illagas, propose some permanent programme. The programme shall reach the Government from two different standpoints namely political and economic. Due regard should be shown to the requirements of those who pay revenue to the State. If this Resolution is passed, the

Government shall certainly be recompensed and shall be deserving of thanks. When the country improves economically and its means of communication and transport are better then, assuredly, both the country and the Government stand to gain. With these words I submit that this Resolution must be passed.

THE HON'BLE MR. WAJHAT HUSSAIN (Hom Minister): Sir, I had submitted that the Government will accept the first part of the Resolution and that the other two parts be deleted so that action be satisfactorily taken on it. Wazir Sahib said that it was his scheme which the Hon'ble Revenue Minister accepted. I too am pleased to know that the Hon'ble Revenue Minister accepted the scheme. But it is not proper to lay three-fold burden on the same Committee as it shall not be able to bear the brunt of it and the result will be that no work will be completed. Even before this I said, and shall say again that the Government gets much help from the non-official members and is always desirous to seek their help. Whether a Committee is set up or not the Government is not opposed to it but the Government wants to see only whether it can act on it or not? For example, there is a patient and one very capable doctor is attending him. Then, what need is there to call in another Doctor? Therefore I requested for the deletion of the other two parts. When the Hon'ble Revenue Minister has already devised a scheme then what necessity is there for another Committee. You should see what the Committee does. After all the Praja Sabha is not to sit for this Session only. Sessions have to be held subsequently also and if the Government does nothing substantial then, you can bring in your Resolution and can request the Government for setting up the Committee. The Government does admit that indeed a non official Committee is of very great help to the Government. But at this time, it is not well to insist. If Wazir Sahib does not agree we are sorry to say that the Government shall oppose these two parts of the Resolution.

MR. PRESIDENT: (The Hon'ble Sir Lalgopal Mukerjee Kt.): The Resolution consists of three parts. As regards the first, there is no difference.

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): Sir, the Government, has accepted the first part, and it is not necessary to put it to vote.

MR. PRESIDENT: (The Hon'ble Sir Lalgopal Mukerjee Kt.): The Government accepts the first part, the other two

parts are :—

(Reads aloud the 2nd and 3rd part of the Resolution.)

Therefore those members who desire that these two parts may be deleted from the Resolution should please raise hands.

(Hands were raised)

Those who wish that these parts of the Resolution should stand, should please raise hands

Note :—(Hands were raised)

There are thirty-four members who desire that these two parts be deleted, while there are thirty-one members who desire that these parts should stand.

(Cheers)

RESOLUTION NO. 2 OF PANDIT AMAR NATH KAK:

Note :—The Assistant Secretary read out the following Resolution of Pt. Amar Nath Kak: "This Praja Sabha recommends to the Council that annual grants-in-aid and subsidies be granted to qualified medical practitioners who have already started or may undertake to start practice at places where efficient medical aid is not available otherwise.

PANDIT AMAR NATH KAK: Hon'ble President, I move that the Praja Sabha should recommend to the Council that for providing medical aid to such qualified practitioners as may have started practice already in some place or may be contemplating to start practice in such places where medical aid is not available. I want to make it clear that the words "qualified medical practitioners" which have been used in this resolution do not confine the scope only to Sub-Assistant Surgeons and M. B. B. Ss and Assistant Surgeons but they include all qualified medical practitioners, be they Unani Hakims, Ayurvedic physicians, Homeopathic or Allopathic surgeons. My submission is that only deserving and qualified medical practitioners be granted facilities.

I submit that of all beneficent activities the most important and necessary is the provision for medical aid. It should be the duty of the Government to extend medical aid to every nook and corner of the State so that every citizen of the State may be benefited by Medical aid.

Even today, in a question asked by Mr. Beg it was stated that in the vicinity of Aishmakam which is far away from the Head quarters, medical aid is not available. It was also stated that provisions for the same should be made as the

arrangements for Pahalgam, which is still farther off from the headquarters, had been made. In reply it was stated that so long as the present dispensaries are not improved and the Government house cannot be made available, it is not possible to do so.

Besides it was stated that as long as some arrangement is not made for providing Government houses till then, it shall not be possible for Government to make arrangements for the same

Similarly, in the remote places in the Jammu Illaqa there are neither roads, nor cars, nor any railway. There the condition of the patients is growing from bad to worse. I cannot tell you the names of such villages because I do not know them. But in Kashmir, even if we take each Tehsil separately, we shall find that there are no more than two dispensaries per Tehsil. As an eminent Indian remarked if even magnesia had been made available in the remote and distant places, diseases could have been checked to a considerable extent. Even so, if indigenous medicines could have been available many of the patients would have been saved from Death. There is no doubt that qualified Hakims can only reside in Jammu and Srinagar and cannot practise in such remote and far off places because there the people are poor who can pay neither their fees nor the cost of the medicines. Keeping these facts in view it is necessary that in order to supply medical aid in such Illaqa all qualified practitioners be granted facilities so that they may be able to start Dispensaries at their own expenditure. If, in the beginning they undergo loss they may be able to make that up with the help of the Government and it may be possible for all patients to get medical assistance and there will be no complaint from anybody that medical aid is not available.

I hope that feeling the necessity and importance of this Resolution all the members of the house will support it. As the time is short I shall content myself with what I have said. I hope the Resolution will be accepted.

PT. L'K NATH SHARMA: Sir, the importance of this Resolution is evident from its very wordings. Providing medical aid is not only right in principle but it is also an important duty which every civilized Government has to discharge.

(Hear, Hear)

So far as I have explained the principle, I do not think

anybody can disagree with me. The Medical Department is a department which is generally known as a beneficent Department and does not yield any income. It was with this principle in view that in the last Session of the Praja Sabha it was stated that the poor people should not be made to pay for the medicine.

In this connection I cannot help stating that in the hilly tracts in the countryside and far off places lot of damage is done by malaria and these "malaria infected patients" cannot get quinine nor is any other medical aid available. Can, then, the grants be expected from the Government ?

Similarly in the Tehsils of Ram Nagar, Basohli and Udhampur the venereal diseases have made their home so that many families are being ruined and the matters have reached such a stage that they have no survivor to inherit their property. Keeping this fact in view and with a view to save the people from such diseases it is necessary that a net work of dispensaries be started so that no individual may have occasion to complain that medical is not available. There is no doubt that in the big towns of the State hospitals and dispensaries are in existence since long but in the more distant places there is no such provision as a result of which the patients have to face great hardships. Naturally then, there have been many such cases where-in the patients have died while they were being carried from their far off Illaqa to such places where hospitals are situated. Likewise it has come to notice that when some one is hurt in a fight and when he has had to traverse a great distance to the hospital he has often met his death in the journey.

Government has, after a great difficulty opened or promised to open a Zenana Hospital at Mirpur. The arrangement that has been made for the prevention of venereal diseases is not at all adequate. As far as may be possible more and more dispensaries should be constructed so that the people may get facilities. This Resolution of Pt. Amar Nath Kak is a welcome Resolution and the Government should consider it. If, at present, it be not possible, for the Government to start dispensaries, at any rate, at least, those qualified Doctors, Vaid, and Hakims who enjoy good reputation should be granted facilities so that they may be able to provide medical aid freely to the people.

In this regard I shall submit, that for the welfare of the people Government opens schools. And to further the work

of the Government such institutions which are known as denominational institutions like the Islamia School, Sikh Boarding House, Hindu School and other such national schools, have been started. New schools and Pathshalas are opened in remote Illaqas. Government helps all such denominational institutes with money because this serves the purpose of the Government. Even so, for providing medical facilities if qualified practitioners are prepared to go to far away places where there are no means of communication, the Government should encourage them financially. Thereby medical practitioners shall be benefited, the people shall also profit by it, and the object of the Government too shall be fulfilled. Therefore, the Government should have no hesitance in accepting this Resolution. The encreasing unemployment which is being felt in the Medical Profession shall also be remedied and the difficulties of the people shall also be solved. Therefore, I support the Resolution.

PT JIA LAL KHAM: It is quite clear, why clear it more ?

MIAN AHMED YAR: The learned member of the Assembly Mr Amar Nath Kak expressed his intention in his speech that he accepted our amendment. It shall be right even if he accepts our amendment formally.

PT. AMAR NATH KAK AND VOICES: Yes, we accept it.

L. AMAR NATH KOHLI: But if these words are adopted it would narrow down the scope of the Resolution.

PT. AMAR NATH KAK: The words shall be:—

“Qualified medical practitioners *i. e.*, Vaid and Hakims.”

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): And what about the Homeopathic practitioners.

PT. AMAR NATH KAK: There is a difference of opinion about it *i. e.* whether the Homeopathic doctors are qualified doctors or not.

MAJOR GENERAL JANAK SINGH Ji: Sir, some time ago it was thought a sin to recommend any other, Hakim or Vaid excepting the Allopathic doctors. Two years ago a Resolution of this kind came up before the House. I supported it and money was sanctioned for this purpose. I put in a number of arguments which it is not necessary to repeat here.

To-day, in the House, it is being urged that allowances be granted to Unani Hakims, Vaid and Doctors. Lots of

arguements have been advanced. As Pt. Amar Nath Kak stated granting allowances would encourage medical practitioners and they will be prepared to work in far and remote places. I too will submit that the grant of such allowances is necessary. To-day, in this country, you will hardly find a village where there is no Vaid or Hakim. If there is neither of these there quacks are bound to be present as you may have heard lately in Ram Nagar shoe-bearing has also been a remedy.

(Laughter)

Why is the granting of allowances thought necessary. The reason is that so long as the Hakims and Vaid are not granted allowances they cannot meet their expenses. In order to get more money it often becomes necessary for the Hakim to prolong the illness with the result that the condition becomes very serious. If some allowances are granted to Vaid and Hakims (and to such sub-Assistant Surgeons who do not get any employment) then the panic which has gripped the public that they prolong the disease, shall be removed.

The greater harm is always done due to covetousness; because some Hakims and Vaid often reserve the best and efficacious medicine till the last although the patient may have breathed his last by then. Therefore, in my opinion, the granting of allowance is most necessary and I strongly support the Resolution.

SH. ABDUL HAMID: Sir, there is not the slightest doubt that the Resolution which has been submitted by Pandit Sahib is a most important one. This Resolution is important particularly because all sections of the subjects should be accorded a uniform treatment. If the city-dwellers, men and women can claim that the Government should open hospitals for them it is the legitimate demand of those people also who live far away from town that the Government aid should be supplied to them also.

Since the Government shall not be in a position probably to incur the heavy expenditure of opening hospitals in every village therefore this proposal is most justifiable. All qualified Hakims, Vaid and Doctors, should be persuaded to go out into the countryside and should either settle down in some place or work as itinerant doctors, in which case it will be necessary to grant them as much allowance as may be

sufficient to meet their travelling expenses or other such difficulties that they may have to encounter.

Pt. Lok Nath said that there is no provision by the Government for many diseases. I think the Government has appointed several Doctors especially for curing venereal diseases. They tour round, carry medicines with them but their number is insufficient because when a doctor gives an injection to a patient in a certain village then before he is able to give another injection or complete the course he proceeds to the next village. By the time they return the effect of the first injection is lost. On the strength of these reasons it is necessary that help be granted by the Government and the resolution should be accepted. I support the Resolution.

LALA RAM LAL: Sir, I will only submit that Poonch may also be included in it.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH (Finance Minister):

For this purpose separate amendment should be moved

LALA RAM LAL: Sir, Illaqa Poonch is also within the State.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH (Finance Minister):

Poonch has a separate budget

MR. PRESIDENT (THE HON'BLE SIR LAL GOPAL MUKERJEE ET.): I have one objection to it. If you had moved an amendment before, it could have been considered but no notice of the amendment has been given.

PEER HASSAM-UD-DIN: If we find it necessary for Poonch, then after reaching there, we shall submit it to Wazir Poonch.

(Cheers)

LALA SHIV NATH NANDA: Sir, this Resolution need not be discussed at length. My learned friend Pt Lok Nath has stated the real facts of the case before the House. There is no doubt that our State is so vast and wide that it is not possible at every place to construct roads. There are some places which are not easily accessible. I remember, that S. Budh Singh, who is just now present in the House.....

PANDIT AMAR NATH KAK: Not in the House but in the visitor's gallery.

LALA SHIV NATH NANDA: Yes, he is present in the

visitor's gallery. He said in one of his speeches that several diseases are prevalent in the State. He mentioned about one disease which is confined to the hills and has been the cause of great destruction. His was such a heartrending speech that every word of it was sufficient to make one's hair stand at an end.

I notice that many of my brethren are feeling uneasy lest, I should enter into a lengthy speech and there may not be time left for other Resolutions; and they desire that I should sit down. But every member has a right to express his views and the other members cannot stop him.

I have full sympathy with the Resolution and am pleased to note that there is no confusion there about the "State subjects". Therefore I submit that Government should grant financial help to such Doctors or Hakims who desire to undertake this work, and would go down into the villages and attend to the patients.

I too remember, that last year in the Srinagar Session the Praja Sabha sanctioned a sum of fifteen hundred or two thousand rupees as aid to Vaid and Hakims so that they may go out and practice in such places the people whereof cannot go to the Hospitals and get themselves treated there. In my opinion the House shall even in future also help the poor people; therefore I submit that it is an important Resolution and arrangements ought to be made for this and the Resolution be accepted.

LALA HANS RAJ: Sir, they do not understand that no one else has had the same amount of experience in the State as I have, nor has anybody else the same feelings which I have for the poor. My remarks may not be taken ill. I have seen the kandi Illaga very closely. I have been to Kishtwar also. Enough speeches have been made and, perhaps, no further elucidation is necessary. I submit, therefore, that I strongly support the Resolution.

LALA RAM LAL: There is no need.

LALA SHIV NATH NANDA: I strongly support that the aid may be granted.

S. HARI SINGH: I support this welcome Resolution.

G. MOHAMMED SADIQ: My point is under rule 30.....

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.):

Government has not given any answer as yet, you will probably like to hear the answer of the Government.

S. HARI SINGH: When I was in service I too have been moving in the State.....

(Laughter)

S. HARI SINGH: and am acquainted with the local conditions. I have toured in the different parts of the State such as Muzaffarabad, Karnah, Uri etc. in the capacity of Assistant Sub-Divisional Officer and as special officer in Basohli, Ramnager, Hajouri, Kotli etc. There the condition of the patients is quite deplorable.

LALA SHIV NATH NANDA: They receive shoe-beating also.

S. HARI SINGH: General Janak Singh remarked that Vaid and Hakims are present in every village but what I submit is, that they are not present in every Illaqa. If they are there they do not give good medicines as they are not granted allowances and they keep the patients lingering under which circumstances, after a time the patient's condition becomes worse and at last he dies.

(Laughter)

PT. LOK NATH: There is no help.

S. HARI SINGH: I am not against the Homeopaths. It is by including the Homeopath doctors that several incurable diseases have been cured and the patients have improved even when there was no hope of their recovering. If Government grants allowances to the Vaid and Hakims then they should not be deprived of this help. As Abdul Hamid remarked those patients who are suffering from venereal diseases are not benefited for want of adequate treatment. The reason for this is, that on the one hand they have to pay the cost of the medicines while on the other they have to pay the fees of the doctor. The other reason is that these doctors, Hakims or Vaid do not halt at a particular station. There are six injections for the venereal diseases and before the doctor has given two injections the doctor or the Vaid moves on to the next station. Therefore, I fully support the Resolution and submit that this aid must be granted.

BABU RAM DASS: If your honour considers the matter, it shall appear that 80, 85, or 90% of the population is suffering from venereal diseases and has ruined them completely. This disease is generally to be found among the Hindus and to a lesser extent amongst the Muslims.

PANDIT JIA LAL KILAM: What do you mean by venereal diseases?

BABU RAM DASS: Syphilis, Gonhorrea etc.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): That is not necessary here. You take up the point only.

BABU RAM DASS: Therefore, I submit that Homeopathic doctors should also be granted allowances by the Government as will be granted to Unani Hakims, Doctors and Ayurveds. Although the mover has not taken up this point, feeling its importance I have submitted this point and I support the Resolution.

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister):

Sir, it is an admitted fact that every Government should take steps to remove the hardships of the people. The present Resolution is one to which no one shall disagree. The obstacle in the way to take action of this Resolution is whether there are funds enough to maintain these Doctors and Vaid, whether the financial condition permits this. Last year a similar Resolution came up before the Praja Sabha recommending that Unani and Ayurvedic mode of treatment be started in the State. It is correct that even in India quite a section of people believe that they can be cured by this treatment and (it is their belief) that if they take to Allopathic treatment they may, perhaps, never get well. When the Resolution came up before the House quite a large number of the Praja Sabha members expressed their views and urged that the Government should start the indigenous mode of treatment. Then, the financial position of the Government was not sound but inspite of that Government accepted the Resolution and in order to introduce the indigenous method of treatment that very year earmarked a sum of Rs 1500 for that purpose and employed five Hakims for fifteen months. On behalf of the Government it was stated at that time that it shall see how far this method of treatment proves efficacious and if by experiment it proved useful then, Government shall extend this experiment.

From the report that has been received this year it appears that more Vaid and Hakims are required and that they should be instructed to attend the public more carefully. Whereas there were only five Vaid before, this year ten more Vaid have been added. The other question was how much aid, allowance or pay should be granted

to them. Last time the amount that was fixed, was twenty-five rupees. But experience has shown that this amount is not sufficient. As medicine is not taught in the school and colleges here therefore thier number is not such as is needed in the State. We can send for expert physicians from outside but we do not want to do so. If the Praja Sabha insists that Vaidas should be appointed, they shall have to be sent for from outside. Twentyfive rupees are not sufficient and the Government cannot pay large salaries. Government is correspoding with the Finance Deparment i. e. Hon'ble the Finance Minister. I think, in future the aid granted shall be more than Rs. 25. One part of the Resolution states that the people of the State are not granted credit and asks what the Government is doing for the people. Mian Ahmed Yar stated that the Hakims and the Ayurvedic doctors should be helped to settle into the State. That Resolution has not been lost. Now, to the question Allopaeths L. Ram Dass spoke for aid being granted to the Homeopaths also. I have come to know that there is such a scheme in force in the Madras Psesidency whereby Ayurveds are settled in certain parts and Rs. 400 per annum is granted to them as aid on behalf of the Madras Government. They tour round over extensive areas and they treat several people. They are authorised to charge fees from such patients as are in a position to pay but the poor are treated free. The other point is that where-ever they go they are to remain for ten months in the year. The Public Health Commissioner has sent this report to the Director of Medical services. The report is not a big one. But, by this scheme, diseases can be checked in the Illaqas of Kishtwar, Bhadarwah and Ram Nagar. This disease is most rife in Ram Nagar, therefore, Doctor should be appointed there. But their view was that they should be helped agriculturally not financially so that they may be able to manage their living. This scheme was under consideration but later the Government could not act on this scheme. The hitch was that there was not sufficient land available for the doctors hence the Government was not prepared to accept this scheme. Col. Miller also suggested the same scheme as was proposed by Pt. Amar Nath Kak that the Government should accept the Resolution and the Government should send the doctors to various Illaqas and the Medical Department should supervise them and say which Illaqas should be

put in the charge of which doctors. The Medical Department should instruct them to stick to one place for ten months in the year and cure cases. The Government will help them with the money which it has kept for the purpose. Col. Miller is of opinion that, for the present, one man should be sent there who should begin the work. We have to help the doctors under all circumstances. An Allopathic doctor will need surgical instruments; if he happens to be a physician, he shall need money for medicines. In short Government should grant them allowance, not only that, but it should give them grants which should enable them to purchase medicines. Sir, now the question arises whether there are as many doctors available in the State or not. There is no doubt that there is a great deal of unemployment and there is great unemployment even amongst the doctors. It is under these circumstances that we can get M. B. B. Ss. If they are prepared to go into the distant Illaga and start their practice there, the Government is prepared to act on this scheme. I say, on behalf of the Government, that on these conditions it will accept this scheme and will endeavour to find a scheme whereby it will be acceptable

A VOICE : Votes may be taken.

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): Voting is not necessary. If any gentleman is against it, the Resolution may be put off till to-morrow.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): Whatever little amendment has been moved to this Resolution has been by Mian Ahmed Yar. Everybody has heard that. Now, in my opinion, no one disagrees with it. The Government accepts this Resolution; therefore this Resolution may be taken to have been passed.

MOHAMMED SADIQ: Sir, we started at 11-30 and the time is nearly up now, therefore the house may be adjourned.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): There are two minutes more. Shall we go on or not.

HOUSE: Yes, Sir.

Note.—The Assistant Secretary read out the following resolution of Kh. Akbar Dar: "This Praja Sabha recommends to the Council that the goods purchased from out side the State to the value of Rs. 30 and imported on their return by labourers who go to Punjab and other places outside the State in search of labour, be exempted from customs duty."

MOHAMMED SADIQ : This Resolution will not be finished in two minutes.

LALA HANS RAJ : All these Resolutions should be accepted.

ABDUL HAMID : I support L. Hans Raj.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.) : There are still two minutes more, has anybody to speak on it?

KH. AKBAR DAR : Sir, all our countrymen that a large number of the villagers of Kashmir, including the zamindars also, due to their poverty and want of means of earning their livelihood in the State and finding that the Government has not started any factories for removing their poverty and unemployment are obliged to go to the Punjab and the rest of India and undertake most tough and arduous labours to fill their bellies and to fill the Government coffers by paying them taxes. The world knows about their poverty as clearly as it knows of daylight as to how these people by wandering about in the Punjab and leading a life of utmost labour, earn their living. And oftentimes due to the troubles that attend labour these poor, homeless vagrants have lost their precious lives in the streets and the bazars and they bid fare-well to their families leaving their children to face, the utmost hardships. They send home the major return of their labour and industry by money-orders for the payment of the taxes. If anything is left with them they sew clothes for their children and bring sundry articles for domestic use.....

—————:o:—————

NOTE: The clock struck four and the House adjourned.

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THE
JAMMU & KASHMIR PRAJA SABHA DEBATES

(Official Report)

VOLUME VI
PART VI

(15th April 1937)

SIXTH SESSION

OF THE FIRST

J. & K. PRAJA SABHA.



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JAMMU & KASHMIR PRAJA SABHA,

Thursday *The 15th April, 1937.*
The 3rd. Baisakh, 1994.

The PRAJA SABHA met in the PRAJA SABHA CHAMBERS
at AJAIB GARH, JAMMU, at ELEVEN of the CLOCK.
MR. PRESIDENT (THE HON'BLE SIR LALGOPAL
MUKERJEE KT.) in the Chair.

QUESTIONS & ANSWERS.

316 WAZIR GANGA RAM (Reasi, Hindu) : Will Government please appoint such a commission which may, after due consideration, submit its report regarding the opening of industrial concerns, affecting improvements in the towns and devising means for the welfare of the people ?

THE HON'BLE MR. K. N. KNOX (Revenue Minister) : The Unemployment Commission already appointed by the Government will be dealing with the general question of welfare of the people. The Department of Industries has a list of possible industrial openings that may be consulted by the prospective capitalists. In view of the above, the appointment of the suggested Commission can serve no useful purpose.

317. WAZIR GANGA RAM : Will Government please state as to how many nurseries, for supplying fruit plants to the people, have been set up by the Agricultural Department in Jammu Province, or what facilities do they provide for the sowing of seed and what other devices for the future welfare of the zamindars are under the consideration of the Government ?

THE HON'BLE MR. K. N. KNOX (Revenue Minister) : There are at present two nurseries in the Jammu Province, one at Jammu and the other at Batote. The latter has been started only recently. About 3,000 citrus and sub-tropical fruit

plants have been distributed among the zamindars from the Jammu nursery. Deciduous fruit plants are also given to the zamindars of Kishtwar and Bhadarwah. Banihal, Kud, Chenani and Batote in the Udhampur District from Kashmir, and this year 8,087 grafted fruit plants were supplied. An additional fruit nursery is being started at Reasi very shortly.

Improved seeds of different field crops sown at the departmental farms are supplied to the zamindars for sowing purposes at the market rates. Seeds are also obtained from the Punjab, and supplied on actual cost. The seeds are supplied at the Tahsil or District Headquarters, and all transportation charges are paid by the department.

Free samples of seeds, fertilisers, green manures are supplied for demonstration in the fields of the zamindars.

Printed leaflets are distributed in large number free of cost, on agriculture, horticulture and insect pests.

Arrangements are in progress to hold an annual agricultural exhibition in the Jammu Province, and also to impart practical agricultural education to the sons of the zamindars on the farms.

Gardeners are sent out to perform budding operations in private orchards of zamindars for demonstration purposes.

318 WAZIR GANGA RAM: Are Government prepared to pay compensation this year, to the zamindars for the loss which they have suffered in respect of their trees, the permanent fencing around their lands and acquisition of their land for laying out road from Katra to Reasi?

THE HON'BLE MR. K. N. KNOX (Revenue Minister): All proceedings in connection with formal acquisition of the land have been completed and payment of compensation will be arranged this year. The Governor of Jammu is being asked to expedite.

319. WAZIR GANGA RAM: Is it a fact that most of the agricultural land belonging to the zamindars of the State situate adjoining to the Upper Jehlum Canal, has been rendered unfit for cultivation on account of the water overflowing the canal? If the reply be in the affirmative, will Government please state as to what means have been adopted for awarding compensation for the loss caused to such lands?

If not, will Government, in future, bring such means into operation so that the loss caused to the zamindars of the State could be made up?

THE HON'BLE MR K N: KNOX (Revenue Minister):

1st part. Some of it has been injured

2nd part. The matter is under correspondence with the Punjab Irrigation Department.

320. WAZIR GANGA RAM: Will Government please state in what parts of the State has the mineral survey been carried out? If it has not been completed, will Government try to complete it soon, so that some device for removing economic depression could be thought?

THE HON'BLE MR. K. N. KNOX (Revenue Minister): So far Mineral Survey has been carried out in some parts of Kishtwar, Uri, Kargil, Handwara, Anautnag, Rajauri, Riasi, Ramnagar and Ramban Tehsils only. The results of this survey are published in the Mineral Survey Printed Reports. The Mineral Survey Officer is still at work on this Survey, but it is doubtful whether it will be worth while to do much more intensive work in this direction, until some of the discoveries already made have been explored in the detail.

321. LALA RAM LAL (Poonch, Hindu): It may please be stated whether it is a fact that the road leading from Poonch to Bagh *via* Toli Pir has not been repaired for a very long time and that the road is in a very wretched and impassable state?

(b) If the answer to part (a) be in the affirmative it may please be stated whether the Poonch Government is prepared to undertake the repairs of the road from Poonch to Bagh *via* Toli Pir at an early date so that it may be fit for traffic? If not the reasons therefor may please be stated?

THE HON'BLE MR. K. N. KNOX (Revenue Minister): (a) Yes, so far as the first part of the Question goes. Due to snowfall and heavy rains a few miles of the road become difficult to pass for sometime during the winter.

(b) Orders have already been issued to the Chief Revenue Officer to carry out necessary repairs to this road, and Rs. 300 have already been kept at his disposal for this purpose.

LALA RAM LAL: Under these circumstances when you have admitted that repairs were not done, then it may please be stated whether repairs can be done by spending rupees three hundred? The distance is of forty miles. Is it possible that its repairs can be done with such a meagre sum?

SHEIKH ABDUL HAMID (Mohalla Jolahka, Jammu): It has been so estimated.

WAZIR FEROZ CHAND (Wazir-i-Poonch): The amount referred to will be increased.

LALA RAM LAL: Is this amount sufficient? Did the Raja Sahib ever call for any report on the scheme from the Wazir Sahib?

WAZIR FEROZ CHAND: (Reads out the answer).

SARDAR DHAYAN SINGH (Mirpur-Poonch, Sikh): It means that there was no previous estimate.

SHEIKH ABDUL HAMID (Addressing Wazir Poonch): You may reply at proper time. What is the necessity (of it) as yet.

SARDAR DHAYAN SINGH: When the previous estimate ..
... ..

N. B.—There was noise in the House.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): It is not right to interfere while a gentleman is speaking.

SARDAR DHAYAN SINGH: When the former estimate was of seven thousand, will Rs. 300 be sufficient against it? The roads are in a very bad condition and no repairs can be done with this small amount. This sum of Rs. 300 has been allotted only to hush up the matter and to satisfy the public.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): This is not a question. You are arguing the matter.

S. DHAYAN SINGH: I say when was the estimate of Rs. 7000 made for it?

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.): This is a different matter.

S. DHAYAN SINGH: Is the reply which has been given satisfactory?

ABDUL RAHIM BANDI (South Kashmir Wazarat, Muslim.): Should the answer be given or not?

LALA RAM LAL: Was any estimate of Rs. 7000 sanctioned prior to that of Rs. 300? It may also be stated if it was decreased?

PANDIT JIA LAL KILAM (Srinagar City South, Hindu.): In the House two men cannot speak at a time.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.) :
Was any scheme of Rs 7000 sanctioned ?

WAZIR FEROZ CHAND (Wazir-i-Poonch) : I do not know anything about that Scheme.

S. DHAYAN SINGH : There is no question of the Scheme.

322. L. RAM LAL : (a) Is it a fact that while in the dispensaries of Palandari and Mehander there are Ward orderlies and there are none in the dispensary in Tehsil Bagh ?

(b) If the answer to (a) be in the affirmative, what are the reasons for not appointing Ward orderlies in Bagh Dispensary? Are Poonch Government prepared to appoint a Ward orderly in Bagh Dispensary or not? If not, the reasons therefor may please be stated in detail.

THE HON'BLE MR. K. N. KNOX (Revenue Minister):
(a) There are no Ward orderlies in Palandri and Mehander Dispensaries and similarly there is none in the Bagh Dispensary.

(b) In view of (a) the question does not arise.

323. LALA RAM LAL : (a) Is it a fact that in Tehsils Sadhonti, Bagh and Mahndar of Poonch there is no Telegraph Office for want of which the public have to face great inconvenience.

(b) If the answer to part (a) be in the affirmative, it may please be stated whether the Poonch Government is prepared to open Telegraph Offices in all the three said Tehsils at an early date and save the public from the hardships or not? If not, the reasons therefor may please be stated?

(c) If the answer to part (b) be that on account of financial difficulties the opening of the Telegraph offices in the said Tehsils is not possible, then are Poonch Government prepared to arrange for Telephone connections in all these three Tehsils? If not, why?

THE HON'BLE MR. K. N. KNOX (Revenue Minister).
(a) Yes.

(b) In view of financial difficulties and the huge expenses that these works will involve the question cannot be considered at present, nor is there any immediate need of Telegraph office there.

(c) Installation of Telephone connections is also an expensive affair, nor does the present condition necessitate such a work.

LALA RAM LAL: When will these financial stringencies come to an end?

ABDUR RAHIM BANDE: There should be a Sooth-Sayer to tell you that.

PANDIT JIA KILAM: As soon as possible.

MAULVI MOHAMMED ABDULLA (Shah Hamdan, Srinagar City Muslim): When will the taxes be enhanced?

A VOICE: When the salaries will be increased.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji, Kt.): We expect an improvement in the financial position very soon.

WAZIR FERROZ CHAND (Wazir-i-Poonch): I cannot predict.

LALA RAM LAL: What is meant by the answer which says that there is not an "immediate necessity" when on the one hand it was said that great inconvenience is being felt by the public.

A VOICE: It requires money.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji, Kt.): Please see that there be no discussion, the answer given is quite satisfactory.

LALA RAM LAL: On the one hand it is said, that there is inconvenience and on the other that there is an immediate necessity for it. What does it mean?

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.): Please see that there should not be discussion. The answer is correct. If there were arrangements for telephones and telegrams, it would mean an income. It cannot be said whether the extension will be possible within 40 or 50 years.

LALA RAM LAL: At present it is an urgent necessity. It means that we should remain without light and this state of inconvenience may be allowed to continue.

324. LALA RAM LAL: (a) Is it a fact that the resolution for imparting education in Hindi to students, learning Hindi, was passed by the Praja Sabha?

(b) If the answer to part (a) be in the affirmative, it may please be stated why inspite of the public demand and inspite of the fact that the Hindu members of the Praja Sabha (Poonch)

brought it to the notice of the Government that no Hindi teacher has been appointed in Palandari High School where Hindu students also study? The reasons therefor may please be stated in detail. It may also be stated whether Poonch Government is prepared to appoint one Hindi teacher in Palandri High School now. If not, why?

(LALA RAM LAL: I withdraw this question of mine, because a resolution about it is coming before the house).

325. LALA RAM LAL: (a) Is it a fact that in the last session of the Praja Sabha (Srinagar) it was promised that a shed would be constructed in the court at Rawalakot for the convenience of the litigants?

(b) If the answer to part (a) be in the affirmative it may please be stated whether as promised the shed for litigants has been constructed at Rawalakot? If not, why? It may also be stated when the shed will be ready?

THE HON'BLE MR. K. N. KNOX (Revenue Minister):
(a) Yes.

(b) An estimate for the construction of the shed has been prepared and the work will be taken up in hand when the funds are provided in the next year's Budget.

LALA RAM LAL: Under these circumstances when it has been said that orders have been issued why was it stated that the estimate would be given in the next Budget?

PANDIT JIA LAL KILAM: This is cross examination.

LALA RAM LAL: It was admitted in the last session, but now it is said that it will be submitted during the Budget.

WAZIR FERAZ CHAND (Wazir-i-Poonch): Probably some resolution has been referred to but I do not know.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji, Kt: Have you got the list?

LALA RAM LAL: Yes Sir.

326. MIRZA MOHAMMAD AFZAL BEG: (Anantnag, Muslim):
(a) How much amount of the Road Cess has been realized in the year 1992-93 in Tehsil Anantnag and which of the rural roads were repaired by spending money out of it?

THE HON'BLE MR. K. N. KNOX (Revenue Minister).
(a) An amount of Rs 10912 was realized as Road Cess from Tahsil Anantnag in the year 1992-93, which was spent on repairs to the following Roads:—

1.	Sirhama Sirgaffara Road	...	Rs. 600
2.	Achhabal Bawan Road	...	" 600
3.	Bijbehara Langanbal Road	...	" 600
4.	Sikwas Yenher Road	...	" 2500
5.	Sakras Road	...	" 200
6.	Bulbul Nowgam Road	...	" 300
7.	Anantnag Brah Road	...	" 250
8.	Bijbehara Sangam Road	...	" 300
9.	Bridge near Aru Pahalgam	...	" 600
10.	Liddervat Bridge	...	" 950
11.	Bridge near Mandlnia	...	" 800
12.	A/R Duru Bhai Road culverts	...	" 800
13.	A/R Bulbul Nowgam Bridge	...	" 200
14.	A/R Achhabal Anipur culverts	...	" 300
15.	A/R Culverts on Beah Road	...	" 450
16.	A/R Danter Bridge	...	" 240

Total " 9690

MR M.A. BEG: It may please be stated as to whether the amount of Road cess of one Tehsil is being spent on the roads of another Tehsil? This is what appears from this statement.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji, Kt:.) Can you utilize the Road Cess of one district in another district or not?

THE HON'BLE MR K. N. KNOX (Revenue Minister): Yes, Sir. I think so. The Cess of one particular district should be more or less spent in the other district.

327. MIRZA MOHD AFZAL BEG: In view of the poverty of the zamindars, will the Government deduct the price of medicine which is sprinkled on the diseased trees of the zamindars by the Agricultural Department from the export duties charged on the fruits?

THE HON'BLE MR. K. N. KNOX (Revenue Minister): No. The proposal would be unfair to the general tax-payer.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji, Kt:.) You have got the reply.

MR. M. A. BEG: I have got it but I have not been able to follow it. Does it mean that this proposal will not prove useful for the tax payers?

THE HONBLE MR. K. N. KNOX (Revenue Minister). The point is simply that the drugs are spent on the diseased

trees of the zamindars. This spraying of medicine has benefitted the trees of the tax payers.

MR. M. A. BEG: It is not the policy. I do not know whether the trees are diseased or not and whether the medicine is sprayed or not ?

THE HON'BLE MR. K. N. KNOX (Revenue Minister): I cannot answer that reference. I cannot say if it is at all along with the question.

328. MIRZA MOH'D AFZAL BEG: Was the revenue of the walnut trees which were cut in the last four years in Tehsil Anantnag, remitted ? If not, why ?

THE HON'BLE MR. K. N. KNOX (Revenue Minister) : Yes.

329. MIRZA MOHD AFZAL BEG: (a) Is it a fact that in village Bhawan-Muttan (Anantnag) the Forest Department charges Rasum on the firewood ?

(b) Is it also a fact that village Muttan is situated within the area entitled to the grant of Forest concessions ?

(c) If the answer to part (a) and (b) be in the affirmative, it may please be stated what are the reasons for charging the Forest Rasum and why the inhabitants of Muttan are being prevented from taking dry fallen wood from the Halwara Forest ?

THE HON'BLE MR. K. N. KNOX (Revenue Minister).
(a) Yes

(b) Yes.

(c) Rasum is charged only on the firewood brought for sale which is not permissible to concessionists under the Kashmir Forest Notice. The concessionist inhabitants of Muttan are not prevented from taking dry fallen wood from Hotwara Forests for their bonafide domestic and agricultural use.

MR. M. A. BEG. Can the zamindars of neighbouring villages use dry fallen wood which they take for their domestic requirements ?

THE HON'BLE MR. K. N. KNOX (Revenue Minister): Yes.

330. MIRZA MOH'D AFZAL BEG: (a) Is it a fact that it has been proposed to impose Safai Fund in village Machhibawan (Anantnag) ?

(b) Is it, because the majority of the people of Machhibawan are zamindars who pay sanitation cess along with

the land revenue ?

(c) If the answer be in the affirmative it may please be stated as to why another tax of Safai Fund is going to be imposed on those who are already paying sanitation cess ?

(d) Will the Hon'ble Revenue Minister exempt those zamindars from the proposed Safai Fund who are already paying sanitation cess ?

THE HON'BLE MR. K. N. KNOX (Revenue Minister): (a) No.

(b), (c) and (d) do not arise

331 KHAWAJA GULAM MOHI-UD-DIN KHAN: (Badgam, Muslim): (a) Will the Revenue Minister please lay on the table for the information of the House the following figures ?

(b) What is the number of Patwaries and Girdawar Qanungos in the Kashmir Valley and among these how many are Muslims and how many non-Muslims ? Figures may please be given separately of each Tehsil ?

(c) How many Patwaries are candidates for the posts of Girdawar Qanungos and among these how many are Muslims and how many non-Muslims ?

(d) How many among the present Girdawar Qanungos are such as have been promoted from the posts of Patwaries and how many among these are Muslim and how many non-Muslim ?

How many among the present Naib-Tehsildars have been promoted from Girdawar Qanungos ? Figures may please be supplied ?

THE HON'BLE MR. K. N. KNOX (Revenue Minister): (a) & (b) Number of Patwaries and Girdawars Tehsilwise is as under:—

VALLEY TEHSIL

S. No.	Name of Tehsil.	Girdawars				Patwaris			
		H.	M.	S.	Total	H.	M.	S.	Total
1.	Pulwama	5	1	—	6	59	8	—	67
2.	Kulgam	3	2	1	6	57	3	—	60
3.	Khas	5	1	—	6	35	8	—	43
4.	Anantnag	5	1	—	6	54	3	—	57
5.	Badgam	5	1	—	6	59	9	3	71
6.	Baramulla	3	1	1	5	42	11	2	55
7.	Handwara	3	2	3	8	72	15	6	93

(c) 18 Hindus and nine Muslim Patwaris are candidates for Girdawar posts.

(d) Recruitment of Girdawar posts are generally made from amongst Patwaris or Munsarims of late Settlement Department and not direct and all the existing Girdawars have thus been either Patwaris or Munsarims. Communal representation has already been given in (b) above.

(e) Among the present Naib Tahsildars of Valley one Hindu and one Muslim has been promoted from Girdawar post to that of Naib Tahsildar.

MIAN QURBAN AHAMED (Kathua, Muslim): What has been proposed by the Government to make good this noticeable deficiency?

COL. BALDEV SINGH PATHANIA (Governor Jammu): Efforts are being made.

MIAN QURBAN AHAMED: What steps has been taken?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji, Kt.): This is a new question.

SARDAR KANHAYA SINGH (West Kashmir, Sikh): I submit that the figures which have been stated by the Government show that the Sikh officials do not get their due. Will the Government consider it and make good this deficiency.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji, Kt.): This is a new question, and it does not arise from the main question. Answer will be given next time.

SARDAR KANHAYA SINGH: Sir, it is not a new question. I do not want to have figures, but I want that if there is an inadequate representation of Sikhs in the Revenue Department in both the Provinces, will the Government please consider the matter?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji, Kt.): In my opinion it is entirely a new question.

332. KHAWAJA GULAM MOHI-UD-DIN KHAN: (a) Will the Hon'ble Home Minister please state what steps have been taken during one year to give effect to the resolution moved by Khawaja Akbar Dar, Member Praja Sabha in the last year's session of the Praja Sabha regarding the imparting of instructions in agriculture and Patwar, which was accepted?

(b) Has the system of imparting such education been introduced in the Primary Schools of Kashmir Valley?

(c) Which Text Books have been prescribed by the Education Department for this purpose ?

THE HON'BLE MR WAJAHAT HUSSAIN (Home Minister):
(a) Orders have been issued regarding this.

(b) Yes.

(c) Arrangements are being made by the Revenue Department to impart instructions regarding Patwar so that it may send the old record to the Primary Schools. For the present a text book has been prescribed for education in Agriculture. But in the next year this subject will be included in the Urdu Text Book of the students.

333. KHAWAJA GHULAM MOHI-UD-DIN: (a) Will the Hon'ble Revenue Minister please state what services are rendered by the Lumberdars in recognition of which they are allowed Panjotra ?

If a Lumberdar is unable, inspite of performing his duties, to deposit the amount of revenue in time in the treasury is his Panjotra forfeited ?

(b) If the reply be in the affirmative, are other services rendered by the Lumberdar ignored ?

(c) Will some facilities be granted to the Lumberdars in the matter of forfeiture of Panjotra, in the future ?

(d) If the reply be in the negative, do Government intend to increase Panjotra of the Lumberdars ?

THE HON'BLE MR. K. N. KNOX (Revenue Minister): (a)
1st Part. Collection of revenue, prevention of crime, preservation of law and order.

2nd Part. He is liable to have his Panjotra forfeited.

(b) No.

(c) Does not arise.

(d) No.

334. PANDIT RAM CHAND DOBEY (Kathua, Hindu) :
It is the duty of every village Chowkidar to submit monthly reports about births and deaths, apart from reports about accidents. Are the Government prepared to require them to attend the Police Station after every month instead of every week or fortnight for reporting births and deaths apart from accidents ? If not, why not ?

THE HON'BLE MR. WAJAHAT HUSSAIN : (Home Minister). The Member has himself admitted that the Choukidar does not attend the Police Station to submit reports about births and deaths only, but also to submit reports about other events. It is, therefore, necessary for him to attend the thana weekly or fortnightly.

PT. RAM CHANDRA DOBEY : I meant to say that if they (the village chaukidars) are required to attend (the Police Station) to submit their report about births and deaths after a month instead of after a week or ten days or a fortnight, then is their attendance necessary with regard to other matters ?

THE HON'BLE MR. WAJAHAT HUSSAIN : (Home Minister). This is an hypothetical question. They are not only required to attend the Police Station to submit the reports about births and deaths, but they have to attend to other matters also ?

335. PANDIT RAM CHAND DOBEY : In reply to my question Q. D. No. 461, it was stated in the last sessions on behalf of the Government with regard to proper repair of Hiranagar Ramkote road that estimates were being prepared and that when they would be ready funds would be provided. Will the Government please state the amount that has been sanctioned for and will be spent on this road from this year's budget estimates for repairs and when this road will be made fit for Lorry Traffic ?

THE HON'BLE MR. K. N. KNOX : (Revenue Minister). Cost of Rs. 764 has been estimated for this road and funds are being arranged. Tenders have already been invited by the Wazir Wazarat Kathua. The work will be started soon and finished by 15th Jeth, 93.

336. PANDIT RAM CHAND DOBEY : The reply to my Q. D. No. 469 given on behalf of the Government, in the last session was not clear. The Ravi Canal remains closed throughtout winter from the month of Assuj. Are Government prepared to remit Abiana (water tax) as Rabi crops are not irrigated by the canal water ? If not, why not ?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : Basantpur Canal is closed on the 15th of Assuj. Abiana is charged for irrigation upto that date.

PANDIT RAM CHAND DOBEY : My question was about Wadwater, not Abiana.

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister): I have got the question in English and word "Abiana" is given therein.

PANDIT RAM CHAND DOBEY: "Wadwater" is given in my Urdu question. Wadwater does not pertain to irrigation. This is realised on moisture.

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister): Then the translation is wrong. I have not received such a question.

337, PANDIT RAM CHAND DOBEY: Will the Government please state what steps have been taken in connection with the resolution of 16th March, 1936, which was passed in the House, for the reduction in the Land Revenue on agricultural lands adjacent to Shikargahs which have been established after the Settlement? Inquiries about this were made in the last session through Q D. No. 471 also?

THE HON'BLE MR. K. N. KNOX (Revenue Minister): Figures are being collected regarding villages near hunting grounds started subsequently to the last settlement and an enquiry is a foot whether the proximity of these villages to the hunting grounds warrants reduction in revenue. Figures have been received except in two cases and suitable action will be taken as soon as the enquiry is completed.

PANDIT RAM CHAND DOBEY: Will the revenue of these areas of land be suspended till its final decision?

THE HON'BLE MR. K. N. KNOX (Revenue Minister): It is not known yet whether remission of land revenue will be enforced.

PANDIT RAM CHAND DOBEY: Enquiry is being made. But the figures of 'Kharaba' are found in the records of the Girdawari. It is quite evident from it, that the case deserves remission.

THE HON'BLE MR. K. N. KNOX (Revenue Minister): I have no information on this point, Sir.

338. PANDIT RAM CHAND DOBEY: In reply to my question Q. D. No. 472 of the last session of the Praja Sabha will the Government please state in which Primary Schools for boys the appointments of Hindi teachers were sanctioned since 1992 and in which girls schools appointment of seven additional teacheresses has been sanctioned?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister): Eight Hindi Teachers for boys Primary Schools have been sanctioned this year. They will be appointed in Baisakh 1994, in the following Schools:—

1. Sarsawa (Kotle).
2. Rahal ... (Ranbir Singh Pura).
3. Gurha Sturah ... (Jasamergarha)
4. Eetahm ... (Sambha).
5. Rugnath Mandir ... Srinagar).
6. Geeru ... (Awantipura).
7. Dayalgam Middle ... (Anantnag)

This Hindi teacher will teach the Primary Department.

8. Sumbal ... (Baramulla).

It has not been settled as yet, to which of the Schools these posts will be allotted, for the girl schools. These posts have been sanctioned in Baisakh.

339. SARDAR DHIAN SINGH (Mirpur-Poonch, Sikh): Is it a fact that the Government have appointed a Kashmiri Pandit and a Mohammedan regardless of seniority on the posts of Wazir Wazarats in connection with the retirement of Pandit Bal Kak Dhar and Raja Ali Gauhar Khan Sahib? If the answer be in the affirmative, it may please be stated as to what were the reasons for not appointing a Sikh as Wazir Wazarat when the representation of the Sikhs on the posts of the Wazir Wazarats is nil? It may also please be stated as to why in connection with the retirement of Sardar Sohan Singh, Revenue Assistant and in connection with the filling up the post of Wazir-Wazarat, a Sikh has not been taken for Revenue Assistant ship?

THE HON'BLE MR. K. N. KNOX (Revenue Minister):
1st Part. Yes.

2nd Part. It is not possible to reserve a particular post for a particular community, but it may be stated that the Sikhs have at present got more than their proportionate share in the departments under the revenue port folio in both the Gazetted and non-gazetted ranks. Special promotion was however given to a Sikh by appointing Sardar Hukam Singh as S. P. T. Tehsildar out of turn.

SARDAR KANHAYA SINGH: It is no special favour to Sardar Hukam Singh Naib-Tehsildar, if he is appointed as S. P. T. Tehsildar, because he was the senior official.

THE HON'BLE MR. K. N. KNOX (Revenue Minister): The point is that Sardar Hukma Singh was not senior, and had no particular qualification. Sardar Hukma Singh was promoted on the ground that he was a Sikh, and therefore specially a lift was given to him.

SARDAR DHIAN SINGH: No special favour has been shown in this case. Many Revenue Assistants have been retired, and the official who is retired is being replaced by another man of the same community, that is, that it is a matter of principle that the Government does so. But in case of the Sikhs this principle is ignored. A Sikh Revenue Assistant was retired and in his place a Sikh must be appointed but it was not done so.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji, Kt.): The reply to the question you had asked has been given to you.

SARDAR HARI SINGH: Sir, there is no Sikh Revenue Assistant. A Sikh should have to be appointed in place of the Sikh Revenue Assistant who has been retired. We did not want that a Sikh Naib Tehsildar may be promoted as Tehsildar. If a Sikh had been appointed as Revenue Assistant then it was possible that he would have become Wazir-Wazarat, on the occurrence of any vacancy in that cadre.

THE HON'BLE MR. K. N. KNOX (Revenue Minister): The answer given is complete. It is not possible to reserve a particular post for a particular community.

340. SARDAR DHIAN SINGH: Do Government receive complaints through newspapers etc. to the effect that the Mallahas of Gatalian inconvenience the travellers in many ways and in some cases disgrace them also? If it is so will Government please state what effective steps have been taken in order to check this present practice of troubling and disgracing the people?

THE HON'BLE MR. K. N. KNOX (Revenue Minister): Certain complaints were received against the ferrymen at Ghutalian Pattan in 1930, on which it was ascertained from the Punjab Government that the District Board, Jhelum, maintains a regular register of complaints at the ferry and the delinquents are always suitably dealt with whenever any case of actual ill-treatment is brought to the notice of the Board. A specific case of overloading of boats to the danger and inconvenience of passengers being brought to the notice of the Board, the boatmen were duly prosecuted and fined on conviction.

tion Rs. 45 each or in default to undergo rigorous imprisonment for one month and a half.

If any specific instance of negligence or breach of rules by the ferrymen is quoted, the Government are prepared to address the Punjab Government in the matter.

341. SARDAR DHIAN SINGH : (a) Is it a fact that the people of Illaqa Hajira have been requesting and sending applications for the opening of a Middle School there ? If it is so, will it please be stated as to what action has been taken in this matter so far and whether the Poonch administration is prepared to open a Middle School there ?

(b) If the answer be this that the financial conditions do not permit the opening of a school there, will the administration at least appoint an English teacher in Hajira school as by teaching English to 4th and 5th classes, the students may save one year which they have otherwise to waste on being admitted to High School ?

THE HON'BLE MR. K. N. KNOX (Revenue Minister):
(a) Yes. Due to financial stringency Middle School cannot be opened.

(b) The Chief Educational Officer will be asked to consider the question and submit a proposal in this behalf.

SARDAR DHIAN SINGH : Sir, when will this proposal be submitted ?

WAZIR FERAZ CHAND (Wazir Poonch). Which proposal ?

SARDAR DHIAN SINGH : That is of English Teacher. When will it be submitted.

WAZIR FERAZ CHAND : (Wazir Poonch) Yes ; as regards the proposal for the English Teacher, it has already been stated that the officer has been asked to submit it.

SARDAR DHIAN SINGH : It has already been stated in the reply that the officer will be asked to submit it. Now you are saying again that he has already been asked to do so.

WAZIR FERAZ CHAND (Wazir Poonch). It has now been brought to our notice, and he will be asked to do so.

342. SARDAR DHIAN SINGH : Are the Poonch Government aware that in Poonch City almost all water springs have become unfit for use and the quantity of water has gone less and that from hygienic point of view not only public are undergoing trouble but rather the public health is also being effect-

ed thereby ? If the answer be in affirmative, will Poonch Government please pay early attention to the question of water supply in the City ?

THE HON'BLE MR K N. KNOX (Revenue Minister). Excepting Dungas spring which has run short of water all other springs are in good condition. General health has not been affected by use of water from these springs.

SARDAR DHIAN SINGH : Was any overseer appointed for the supply of water and how much amount was spent ?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji, Kt.): A supplementary question should be relevant to the original question

SARDAR DHIAN SINGH : Sir, I had inquired whether there is a scarcity of water or not ?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji, Kt.): You have been informed that there is neither any scarcity, nor any inconvenience. There is only one spring which has run short of water. Whether you accept this answer or not, we have to proceed according to rules. You can put only such questions which arise out of your question.

SARDAR DHIAN SINGH : All right, Sir.

343. SARDAR DHIAN SINGH : Are Government aware that unemployment is increasing day by day and that educated people are wandering from door to door in search of employment ? If it is a fact, have Government adopted any decisive measures for setting-up industrial concerns in order to remove unemployment and as a result of these measures have Government started any industry ? If not, why ?

THE HON'BLE MR. K. N. KNOX (Revenue Minister). Government has already appointed an Unemployment Commission whose report is awaited to know the extent of unemployment among the educated. Government has so far given aid to 15 factories for which facilities exist. The educated youngmen are being constantly helped to set up small works under protection afforded by Government.

344. SARDAR DHIAN SINGH : Are poonch Government aware that there is no bridge over Nullah Mahi near the villages Dhulli and Serimang on account of which the public are experiencing great difficulties and that owing to the absence of a bridge there, many human lives are lost during the floods ? If it is so, will Government remove this complaint

by at least constructing a Kaccha bridge over this nullah ?

THE HON'BLE MR. K. N. KNOX (Revenue Minister): Yes. The question of construction of a kutchra over this Nallah will be considered.

SARDAR DHIAN SINGH : When it can be expected, Sir ;

Note:—As Wazir of Poonch was not attentive to the supplementary question, the Hon'ble President asked him to be attentive to every supplementary question whenever it was asked ;

WAZIR FEROZ CHAND (Wazir Poonch) : All right, Sir.

Then giving answer to the question : We will try to do it as early as possible

345. PEER HISAM-UD-DIN (Haveli Mendhar, Poonch) Muslim: (a) Is it a fact that in the Revenue Department on the preparation of the files regarding Nautor, these are referred to the Forest Department for the sake of assessing compensation for the trees ?

(b) If the answer be in the affirmative, does Poonch Government realize that the zamindars are put to great trouble in following their files of Nautor in two different Departments ?

(c) Will Poonch Government, in view of the troubles of the zamindars, completely make over the entire charge etc. of dealing with all such areas which under the recent demarcation have been shown outside the forest boundaries, to the Revenue Department so that the assessing of compensation may be made by the Revenue Department itself ?

THE HON'BLE MR. K. N. KNOX (Revenue Minister) : (a) Yes.

(b) No trouble is caused to the zamindars by this procedure.

(c) The question does not arise. The matter will, however be considered when the entire demarcation work of the Illaga is over.

346. PEER HISAM-UD-DIN : (a) Is it a fact that in Poonch in connection with the reclamation of lands, compensation for the trees used to be charged at first double the zamindari rates and now it is charged according to be standard rates ?

(b) If the answer be in the affirmative, have Government realized that the zamindar classes being unable to pay this heavy compensation are deprived of the opportunity of reclaiming land ?

(c) Are Poonch Government prepared to realize the compensation of trees from the zamindars according to previous rates ? If not, why ?

THE HON'BLE MR. K. N. KNOX (Revenue Minister): (a) Yes.

(b) This is the rate charged for such trees in the State also and this rate was introduced in order to have uniformity of practice.

(c) In view of (b) the question does not arise.

SARDAR DHIAN SINGH : Has this work of Tehsils Haveli and Mandhar been completed or not ?

WAZIR FEROZ CHAND (Wazir Poonch): Yes, it has been completed.

SARDAR DHAN SINGH: Will the files of those areas, where there are no forests, be sent to the Revenue Department instead of forest Department so long as this work is not completed.

WAZIR FEROZ CHAND (Wazir Poonch): It was stated before the House, that the instructions have been issued not to send the files on the spot, but only the Patwari accompanied by Guard should ascertain it on the spot.

347. PEER HISAM-UD-DIN: (a) Is it a fact that compensation for the trees standing in the "Haqi Assami Kaps" of the zamindars is charged in Poonch ?

(b) If the answer be in the affirmative, are Government prepared to withhold from charging the compensation of trees standing in the Kaps possessed by the Assamis ? If not, why ?

THE HON'BLE MR. K. N. KNOX (Revenue Minister): (a) Yes.

(b) No, as it was only the trees that were standing on lands assessed to land revenue that were granted free to the zamindars and not trees standing on other lands.

348. PEER HISAM-UD-DIN : (a) Is it a fact that the previous customs tariff has been raised now in Illaga Poonch ?

(b) If the answer be in the affirmative, is the Government in view of the economic depression amongst the zamindars of Illaga Poonch prepared to charge the previous rates ? If not, why ?

THE HON'BLE MR. K. N. KNOX (Revenue Minister):
(a) The Poonch Tarriff was revised to make it conform to the State Tariff which resulted in increase in some cases and decrease in others.

(b) Does not arise.

SARDAR DHIAN SINGH: I submit Sir, that in Poonch a double duty is charged on grain from the people of Poonch. It is firstly the parent State and secondly the Poonch administration that charge duty. Will one of the duties be abolished.

WAZIR FEROZ CHAND (Wazir Poonch): How can it be done when there is the customs duty?

SARDAR DHIAN SINGH: According to the revised tariff, Sir.

WAZIR FEROZ CHAND (Wazir Poonch): There is no such exemption according to the revised tariff.

LALA RAM LAL (Illaga Poonch) Hindu: It is inquired in the latter part of the question whether the change will be made. Will the previous rates be charged in view of the present high prices of grain and poverty of the people?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): How does it arise? No portion of the question remains unanswered. You have been given the complete answer. This question does not arise.

MIAN QURBAN AHAMAD (Kathua) Muslim: Point of order, Sir; There is some noise on the office side. It may please be stopped as we can not hear anything in the Hall.

Note:—The Hon'ble President directed the Assistant Secretary to stop the noise and it was done.)

349 PEER HISAM-UD-DIN: (a) Are Poonch Government aware of the fact that students of Poonch, after passing Matriculation Examination, cannot afford to pay the expenses of higher education in colleges outside on account of their poverty?

(b) If the answer be in the affirmative, are Government in view of the educational backwardness of the people of Poonch prepared to set up an intermediate college at Poonch within one year? If not, why?

THE HON'BLE MR. K. N. KNOX (Revenue Minister):
(a) Yes to a certain extent.

(b) The question of the opening of a College is not possible for the present. All the same, the matter is under

consideration of the Poonch Administration.

350. HAJI AHAMADULLAH SHAHDAD (Tashawan) Srinagar City: Muslim:

(a) Do Kashmir Government make adequate arrangements regarding all those communications and roads which are meant for visitors and the people of Kashmir? If so, what arrangements have been made regarding the Ladakh Tibet Road?

(b) Will Government please state as to what preventive measures have been adopted at "Chah Kanzpoo" (which is on Nullah Zojila) where innumerable accidents have come to the notice of Government?

(c) If the answer to both of these parts be in the affirmative, will Government inform briefly about such measures?

(d) If the answer be in the negative, why are not the Government making arrangements to remove complaint regarding the impassable and dangerous ways, bridges and why do they not remove the danger at Chah Kanzpoo by spending a small sum when requests have been made in this behalf?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister): The member is referred to the answer given to his Q. D. No. 573 of last session held in Chet 1992.

351. HAJI AHAMEDULLAH SHAHDAD: Are Government aware that there are no arrangements of water supply and light in the lanes of the following places of Ward No. 7 of Srinagar: Bagh Gyas, Nalband Pura, Chahnapura, Wanganpura and Patlipura

The attention of the Government has been invited to this fact in the previous sessions and the inhabitants of these Mohallas have repeatedly sent applications to the officers of the Municipality? If the officers concerned of the Government have not paid any attention to this matter so far, what are the reasons therefor?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI (Finance Minister): Water supply except in all places mentioned in the question except Chanapura and Wanganpura for which P. W. D. is being addressed again, as water supply is a concern of Public Works Department. Electric light was recently extended to all places except Chanapura. Electric lights are given as funds permit.

352. HAJI AHAMADULLAH SHAHDAD: (a) Is it a fact that there is no High School in the Illaqas of Bandi Pura, Gurez and Bunji and that in 99 per cent cases students after completing Middle or Primary education, have to give up education ?

(b) That the inhabitants of these places have repeatedly invited the attention of the Government through newspapers and applications. If the answer to the above be in the affirmative, will Government please state whether they have taken any steps with regard to this urgent demand ?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister): (a) Yes, but it is not known that 99 per cent of students give up education after passing the Primary or Middle Examinations.

(b) Yes. One or two applications were received but the Government are not at present prepared to open any new High School.

353. HAJI AHAMADULLAH SHAHDAD: (a) Will Hon'ble Revenue Minister please explain as to how many Patwaries are there in Baramulla Wazarat ?

(b) How many of these are Muslims and how many of these non-Muslims and how many are such as have reached the age of superannuation and are fit to be retired ?

(c) If in Baramulla Wazarat there is a majority of Non-Muslim patwaries, when will Government bring up the communal proportion to the limits prescribed in the Glancy Recommendations ? If not, why ?

THE HON'BLE MR. K. N. KNOX (Revenue Minister): (a) 219.

(b) Hindus	Muslims	Sikhs
<hr/> 173	<hr/> 75	<hr/> 11

Out of these 13 Patwaries will attain superannuation age on different dates during the current year.

(c) The question of removing the existing disparity in the various departments in the Revenue portfolio is already engaging attention. Every possible effort will be made gradually to remove the disparity.

354. HAJI AHAMADULLAH SHAHDAD : Is it a fact (a) that the State Hospital at Town Tral will be shifted to Awantipura ?

(b) That there is unrest amongst the Hindus, Muslims and Sikh inhabitants of the Town Tral ?

(c) That the total population of Town Tral and Illaqa Tral exceeds fifty thousand, whereas the population of Awantipura is three thousand ?

(d) There has been a joint demand of different communities of Town Tral and Illaqa Tral for a period of 15 years for the opening of a State Hospital ?

If the answer be in affirmative, why is it that the present Chief Medical Officer, Kashmir, is going to shift this Hospital and thereby causing unrest amongst fifty thousand people.

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) :
(a) The Medical Department is not in favour of the shifting of the dispensary at Tral to Awantipura.

(b) The difficulty about the non-availability of any suitable accommodation at Tral has given rise to this question.

(c) and (d) The Medical Department has made all possible efforts to secure one, through the help of the people of the town but with no result. The Department is still continuing its efforts in this direction and is seeking advice and assistance of the Revenue authorities.

355. KHWAJA AKBAR DAR(Awantipura) Muslim : (a) The Brick Kiln Bill has been passed during the last Srinagar Session on 26th October 1936, will Hon'ble Revenue Minister please explain the following facts:-

(b) Has this law been enforced ? Has a general notification been issued in the Tehsil ?

(c) Will all the fines imposed for breach of Brick Kiln rules during the current year be refunded ?

(d) If this law has not been enforced in Kashmir during such a long time what are the reasons therefor ?

THE HON'BLE MR. K. N. KNOX (Revenue Minister) :

(a) Yes.

(b) Yes, it has been enforced with effect from 8th Phagan 1993 as published in the Government Gazette of the same date.

(c) There are no orders to the effect that the rules will have retrospective effect and therefore the question does not arise. Future proceeding will, however,

be conducted according to the rules.

(d) Does not arise.

356 KHWAJA AKBAR DAR: (a) Will the Hon'ble Revenue Minister please state whether there is any restriction about the planting of willow and poplar trees (zamindari trees) in the Khalsa areas? If the answer be in the affirmative, since when this restriction has been imposed and under what law and circular such order has been issued?

(b) What will be done with respect to the trees which the zamindars have, from very old times, been planting in the Khalsa areas?

THE HON'BLE MR. K. N. KNOX (Revenue Minister):
(a) 1st Part. No.

2nd Part. Does not arise.

(b) The zamindars are permitted to cut and prune such trees subject to certain conditions

KHWAJA AKBAR DAR: The answer to part (a) is in the negative. What is the reason for this refusal.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.): The answer is that there is no restriction. There is no question of refusal.

Mian Qurban Ahmed interfered while the supplementary question was being asked by Khwaja Akbar Dar.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.): (Addressing Mian Qurban Ahmed) Why don't you take up the question yourself?

KHWAJA AKBAR DAR: Reading the answer to his question

Sir, with regard to first part of my question, the reply is "no" and with regard to second part of my question, it has been stated that it does not arise. Then what was the necessity of having to parts

Laughter.

KHWAJA AKBAR DAR: Sir, I have got another supplementary question.

Laughter.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji, Kt.): Now the next question will be taken up. You should be prepared hand.

MIAN QURBAN AHAMAD : His question is, that will those conditions be read out before the House ?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji, Kt.): (To the Hon'ble Revenue Minister:) Are you in a position to read out the conditions ?

THE HON'BLE MR K. N KNOX (Revenue Minister): No Sir, the rules are not here with me.

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister): They are not here.

357. KHWAJA AKBAR DAR: (a) Will Hon'ble Revenue Minister please state as to why the land revenue is still realized from the owners of the land in village Deri, Tehsil Pulwama Kashmir, which has become unfit for cultivation owing to its being washed away in the year 1988 ?

(b) Have the papers been prepared in the Tehsil about the deduction of Revenue of this area ?

(c) If the answer be in the affirmative, what action has been taken on the papers during the five years' time ?

(d) Will the land revenue that has been paid by the owners of the land, so far, be refunded at the time of final settlement of the case ?

(e) Will the owner of the land be paid the interest from the Government treasury for the amount which he had borrowed to pay the land revenue of this area to the Government ? If no interest will be paid, who will be responsible for this loss to the owner of the land ?

THE HON'BLE MR K. N. KNOX (Revenue Minister): (a) The land revenue continued to be realized from the zamindars of village Dari even after S. 1988 for want of completion of the case. During S. 1992 suspensions aggregating to Rs. 157/3/- inclusive of Rs. 20/4/9 for this village have been granted pending sanction of remission for which necessary action is being taken.

(b) Yes.

(c) Vide reply given in (a) above.

(d) Yes.

(e) No.

358. KHWAJA AKBAR DAR: Will Hon'ble Home Minister please state as to whether there is any proposal for opening an Upper Middle School in village Ganderbal, Tehsil Khas ?

If the answer be in the negative, does no necessity exist to open a Middle School in such a large Illaqa.

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister): Yes. Upper Middle School will not be started this year at Ganderbal.

359. KHWAJA AKBAR DAR: (a) Will Hon'ble Revenue Minister please explain as to how long will the entries made in the papers regarding the rights of tenants at will under Khalsa Sarkar in the Nautor areas of Kashmir valley continue to remain in the present form?

(b) Do Government intend to take back the area from the tenants or will they make it over to the tenants?

(c) When will the tenants or the reclaimers be granted the right of ownership of such areas?

THE HON'BLE MR. K. N. KNOX (Revenue Minister): (a) So far as I am aware, Government has no intention of altering the present rules, but only a prophet could reply to these questions.

(b) and (c) Same reply as to (a).

360 SHEIKH MOHAMMAD AMIN: Is it a fact that if a consumer installs service line, at his own expenses, that becomes the property of the Electrical Department?

(b) If the reply to the above part be in the affirmative, will Hon'ble the Home Minister please issue orders that if the same consumer for certain reasons shifts his residence or shop to some other places, the same service line may be shifted to that new residence or shop because that was installed on his own expense and in that case the Electrical Department may not be entitled to receive the removing and refitting charges?

(c) If the answer to part (b) of this question be in the negative, will it please be stated as to why one person may be allowed to benefit at the cost of another and that its the owner may be absolutely deprived of the advantages?

THE HON'BLE MR. WAJAHAT HUSSAIN: (a) The member is referred to the answer to question Department No: 9 put up by Pt. Amar Nath Kak.

(b) There is no objection to shift the service line put up, at the expense of a consumer, from one place to another, but he will have to bear the removal and refitting charges.

SHEIKH MOHAMMAD AMIN: That answer referred to may please be read out.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerjee, Kt): (Addressing to the Hon'ble Home Minister) Have you got a copy of the answer pertaining to the question of Pandit Amar Nath Kak?

(Note;—The Hon'ble Home Minister read out the following answer).
(a) & (b) The lighting consumers are supplied with 100 service line free or cost, and the line is maintained by the Electrical Department and not by the consumer.

To avoid security deposit for the line and switch board etc. (which is supplied free by the Department) a number of consumers prefer paying for the switch line. In their cases the service line becomes the property of the Department which maintains it at its own cost [Rule No. 16].

SHEIKH MOHAMMAD AMIN: The question was that the service line put up, at the expense of the consumer, should be deemed his own property. You have stated in your answer that the Electric Department supplies service line upto 100 feet. But why should the portion of service line put up at the expense of the consumer himself be not considered his property.

THE HON'BLE MR. WAJAHAT HUSSAIN: Whatever is asked in the question has been replied to. If you think that the rules are incorrect, that is a different thing.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerjee, Kt): You have a clear reply but you did not read it. You have got the reply.

391. SHEIKH MOHAMMAD AMIN: (a) Will Hon'ble the Home Minister please state what annual expenditure is incurred on the office of the Chief Inspectress of Schools of the State? What is the total number of the clerks including the Superintendent under her, and what are their designations, names and pays? What is the number of Muslims and what are their pays?

(b) In the case of there being a paucity of Muslim element, will Hon'ble the Home Minister please state as to why this deficiency in the number of Muslims has not been made good so far?

THE HON'BLE MR. WAJ HAT HUSSAIN: (a) The annual expenditure incurred on this office is Rs. 7939. The number of the clerks including the Superintendent is five and their names, pays etc., are as under:—

1. Sardar Issar Singh Superintendent at Rs. 250 P. M.
2. Pandit Balkak Head Clerk at Rs. 110 „

3. Pandit Anant Ram Clerk (30-3-75) at Rs. 36 P.M.

4. Thakur Narsingh Sahai „ (30-3-75) at Rs. 42 „

5. Mohammad Shaffi „ (30-3-75) at Rs. 30 „

(b) Amongst them one is Sikh, one Kashmiri Pandit, one Dogra Brahamin, a Rajput and a Muslim. I don't see any disparity in this.

SHEIKH MOHAMMAD AMIN: As there is so much deficiency of Muslim representation, why is it not made good ?

THE HON'BLE MR. WAJAHAT HUSSAIN: Previously there was no Muslim. Now one has been appointed.

SHEIKH MOHAMMAD AMIN: You have stated there is one Kashmiri Pandit one Rajput and one Dogra. Are Muslims also taken in the same manner, *i. e.*, those of Jammu Province and Kashmir Province etc., etc. ?

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee, Kt): (The question is whether the Muslims are taken in the same manner as the Hindus are taken.

THE HON'BLE MR. WAJAHAT HUSSAIN: Sir, I have answered that there was no Muslim in that Department before this but now one Muslim has been taken.

MOULVI MOHAMMAD ABDULLAH: The question is that how many are Muslims and how many Non-Muslims ?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerjee Kt): It is not your turn, please.

SHEIKH MOHAMMAD AMIN: Does the appointment of one Muslim makes up the deficiency of the Muslim representation ?

THE HON'BLE MR. WAJAHAT HUSSAIN: I do not mean that. What I have stated is that the deficiency of Muslim representation is being made up ?

LALA SHIV NATH NANDA: At the cost of Hindu representation

362. SHEIKH MOHAMMAD AMIN: (a) Will Hon'ble Home Minister please state as to what are the names, salary and qualifications of the persons newly employed in connection with the extension of the T. B. Hospital ? How many of these are Muslims and how many Non-Muslims and what pays do they get ?

(b) If the Muslim representation is proportionately less there, reasons for it may be stated that when this was a

newly established Department. Why the deficiency of Muslim representation was not made good ?

THE HON'BLE MR. WAJAHAT HUSSAIN: The information is given below:—

No.	Name of incumbent.	Designation.	Rate of pay.	Qualifications.
1.	Dr. R N. Parhar	Asstt. Surgeon	225-15-450	M. B. Ch. B.
2.	Dr. Amir Singh	S. A. Surgeon	70- 4 130	Qualified
	Andotra			S. A. S.
3.	Mr. M A. Latif	Inspector	40- 2- 50	Matriculate
4.	G. L. Sharma	Inspector	40- 2- 50	Matriculate
5.	P. N. Jogi	Laboratory Asstt.	30- 2- 50	Trained Laboratory Asstt.
6.	Mohammad Yakub	Compounder	25/-	Trained Compounder.
7.	Som Nath	Do	25/-	Do
8.	Jia Lal Kaul	Do	25/-	Do
9.	Jagar Nath	Do	25/-	Do
10.	Kesho Nath	Clerk	25-2-55	Matriculate

(b) No Muslim qualified as sub Assistant surgeons were available for appointment.

Appointments of compounders were made by transfer. In the appointment of new compounders adequate representation is given to Muslims.

SHEIKH MOHAMMAD AMIN: You have stated that no Muslim Sub-Assistant Surgeon was available. Did you advertise this post ?

THE HON'BLE MR. WAJAHAT HUSSAIN: Certainly !

SHEIKH MOHAMMAD AMIN: Have the Muslims also been taken for Compounders posts ?

THE HON'BLE MR. WAJAHAT HUSSAIN: I have not got this information at this time.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee, Kt) : The question does not arise. You could ask in what way the new appointments were made and not the way you have asked.

SHEIKH MOHAMMED AMIN: How many Muslims have been appointed in place of those who have been transferred ?

THE HON'BLE MR. WAJAHAT HUSSAIN: I have not got

this information at this time. The reply will be given later on.

363. SHEIKH MOHAMMED AMIN: Will the Hon'ble Judicial Minister please state how many clerks are there in the Judicial Department including the High Court Office? How many of them are Muslims and what pay do they get and how many of them are non-Muslims and what pay do they get? If there be undue preponderance in the number of non-Muslims, why is the representation of Muslims not made up? When should we expect that this representation will be made good?

PANDIT RAM NATH SHARMA: Judicial Secretary) The reply to this question is not ready as figures from the Frontier Districts will take time to arrive. The figures are being collected and the reply will be given in the next Session.

364. SHEIKH MOHAMMAD AMIN: (a) Will Hon'ble the Minister-in-charge Municipalities please state as to what is the number of the vacancies that occurred during the last four years in the Srinagar Municipality? It may also be please stated in what particular issues of the Gazette those vacant posts were advertised while filling up the vacancies? If most of the posts were not advertised, reasons for that may please be stated?

(b) How many Muslims and how many non-Muslims, were appointed to these vacant posts? What are their names and pays.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: 31 vacancies. Owing to the existence of surplus establishment advertisements were scanty and reference may be made to Gazettes and Ishtihars sent with President Municipality Srinagar's office Nos. 3684, dated 23-3-1936, 3991, dated 11-4-1936, 4122 dated 16-4-1936, 7034 dated 23-7-1936, 319 dated 2-11-1936, 858 dated 4-12-1936. List of surplus and fresh hands is 20 Muslims and 11 non-Muslims.

The name are given below:—

MUSLIMS.

1. Mr. Jilani Shawl at Rs. 100 P. M.
2. Ghulam Nabi Khan at Rs. 18 P. M
3. Mohammad Hussain at Rs. 15 P. M
4. M. Miraj-Ud-Din at Rs. 30 1-35 P. M.
5. M. Mohammad Muzaffar Khan Secretary and

Revenue Officer at Rs. 200 P. M.

6. M. Mohammad Din at Rs. 40 P. M.
7. Gulam Mohammad Khaki at Rs. 12 P. M.
8. Ahmad Dar at Rs. 12 P. M.
9. Shaban Tantri at Rs. 12 P. M.
10. Ghulam Rasool at Rs. 18 P. M.
11. Ghulam Hassan Chisti at Rs. 24 P. M.
12. Kuda Buth at Rs. 12 P. M.
13. Sona Buth at Rs. 12 P. M.
14. Ali Khan at Rs. 15 P. M.
15. Ghulam Mustafa Beg at Rs. 18 P. M.
16. Ghulam Mohammad at Rs. 18 P. M.
17. S. Mirak Shah at Rs. 18 P. M.
18. Zorawar Khan at Rs. 12 P. M.
19. Habiba at Rs. 12 P. M.
20. Ahammad Malik at Rs. 12 P. M.

HINDUS AND SIKHS.

1. P. Janki Nath Magazin at Rs. 30 P. M.
2. P. Ram Nath Trakroo at Rs. 30-1-35 P. M.
3. Nath Ji Kaul at Rs. 18 P. M.
4. Nila Kanth Dhar at Rs. 18 P. M.
5. Pt. Jia Lal at Rs. 20 P. M.
6. Damodhar at Rs. 12 P. M.
7. Tara Chand at Rs. 12 P. M.
8. Prasad Ram at Rs. 12 P. M.
9. Pitambar at Rs. 12 P. M.
10. Ragho Kaul at Rs. 12 P. M.
11. S. Jaswant Singh at Rs. 30 P. M.

SHEIKH MOHAMMAD AMIN: Sir, my question was that why most of the posts were not advertised?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: Surplus hands were to be provided first so it was not necessary to advertise those posts.

SHEIKH MOHAMMAD AMIN: The next question is that how many muslims have been provided on the new posts which fell vacant?

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt): Supplementary question must arise out of the facts stated. You should not argue the point. That is what I mean.

SHEIKH MOHAMMAD AMIN: I mean to say that how many Muslims have been appointed on new posts, i. e., how many Muslims have been recruited during the last four years?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: I will let you know later on.

365. MIRZA M. A. BEG: (a) Is it a fact that the stones which are lying in the Shamilat area in village Machh Bawan, Tehsil Anantnag, are auctioned by the Government?

(b) If the reply be in the affirmative, it may please be stated as to why the zamindars concerned are not allowed the profits accruing from these stones when they are entitled to all benefits from the Shamilat area?

THE HON'BLE MR. K. N. KNOX: (a) No. (b) Does not arise. However, the Praja Sabha Sad is referred, in this connection, to Section 45 of the Land Revenue Regulation No. 1 of 1990.

MIRZA M. A. BEG: If they were not auctioned, is such auction necessary?

THE HON'BLE MR. K. N. KNOX: No, Sir.

MIRZA M. A. BEG: Does it not over-ride His Highness' Commands?

THE HON'BLE MR. K. N. KNOX: The rights of the minerals are still those of His Highness as is the case also in British India.

MIRZA M. A. BEG: Will, therefore, the Hon'ble Revenue Minister consider it?

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): Unless you assert that minerals are given over to the zamindars. He has replied to your question.

MIRZA M. A. BEG: I have clearly asked whether His Highness has reserved the right of minerals?

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): That is a matter of opinion.

MIRZA M. A. BEG: I want to know whether His Highness has expressly stated?

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): I disallow the question.

366. MIRZA M. A. BEG: (a) Are Government aware of the fact that since long Anantnag—Verinag—Gulab Singh Road is in a dilapidated condition.

(b) Was the attention of the Hon'ble Home Minister repeatedly invited in the last two years to the metalling of this road?

(c) Does the Government know that owing to the dilapidated condition of the road the majority of the population of the illaqa have to face a great difficulty which is proving detrimental to the trade of the illaqa lying between Anantnag and Verinag ?

(d) Will the Government take steps to metal the road in the near future ?

(e) If owing to the financial difficulties the P. W. D. cannot do this work soon then will the Food Control Department be directed for the construction of the above road ?

THE HON'BLE MR. WAJAHAT HUSSAIN: (a) Yes, the road is in a bad condition.

(b) Yes.

(c) The bad condition of the road has caused inconvenience to the inhabitants of the Illaqa.

(d) I am sorry not yet.

(e) The work will be done by P. W. D after other more urgent works have been attended to.

MIRZA M. A. BEG: No reply is given to the later part of my question.

THE HON'BLE MR. WAJAHAT HUSSAIN: It is my mistake. I did not consult the Hon'ble Revenue Minister.

MIRZA M. A. BEG: Will it be done now ?

THE HON'BLE MR. WAJAHAT HUSSAIN: Yes, I will do.

MIRZA M. A. BEG: Thank you !

367. MIRZA M. A. BEG: (a) Are Government aware of the fact that in Illaqa Shahbad and Brang (Anantnag) there is only one Lower Middle School at Doru ?

(b) If the answer be in the affirmative, will the Lower Middle School be raised to an Upper Middle School in 1994 to provide educational facilities to a large population of this Illaqa ?

THE HON'BLE MR. WAJAHAT HUSSAIN: (a) Yes. (b) A question was put up before the Education Standing Committee regarding the raising of an Upper Middle School at Doru. But the Committee did not agree to it. Rather one more Lower Middle School will be opened this year at Uttarsu in this Illaqa.

368. MIRZA M. A. BEG: (a) Is the Minister-in-Charge

aware of the fact that in the absence of a Zanana Hospital in Doru majority of the people are experiencing great trouble. If he is not aware of the fact, will he please make an enquiry to acquaint himself with it Will a Zanana Hospital be opened there for the convenience of the Public ?

(b) If due to certain circumstances a Zanana Hospital cannot be established there in the near future, will a trained nurse be appointed in the Government Hospital Daru (Anantnag) for the present ?

THE HON'BLE MR. WAJAHAT HUSSAIN: (a) Zanana Hospital can not be opened in every big village

(b) A Dai for Doru has been recommended for sanction by the Government.

MIRZA M. A. BEG: Will you kindly expedite ?

THE HON'BLE MR. WAJAHAT HUSSAIN: Yes, certainly.

369. WAZIR GANGA RAM: Will Government please adopt measures for protecting the forests of the rest of Illaga Kandi like that of Dharanagari, Tehsil Jammu, near Babu Rakh ? If not, Why not ?

THE HON'BLE MR. K. N. KNOX: This is receiving attention but re-afforestation work on a grand scale cannot be done without special funds and establishmet.

370. WAZIR GANGA RAM: Are Government aware that when the Seva Samiti Katra began realizing one anna per rupee from the Pithoos (the labourers), the Government declared it to be a tax and stopped it but later on the Government auctioned this contract of the Pithoos because it provided facilities to the pilgrims inspite of the fact that the Pithoos are, on this account, experiencing great hardships ?

Under these circumstances, are Government prepared to put a stop to this system and provide facilities to the pilgrims by registering the Pithoos through the Naib Tehsildar instead of arrangements through the contractors ?

(b) Are such contracts granted in any other part of the State ? If so, where and what amount of money is received by the Government from such contracts ?

THE HON'BLE MR. K. N. KNOX: *1st part* (a) Seva Samiti, a private body, could not be allowed to impose taxes. But in the interest of pilgrims it was necessary to arrange for labour (Pithoos) and a contractor was appointed. The system is reported to have worked well and there has been

no complaint against it. The incidental income amounting to Rs. 700 this year will be expended on the improvement of Katra Town where a Town Area Committee has been formed.

2nd part: No, that would be reverting to Begar.

(b) Yes. Similar arrangements are made at Anantnag in connection with Sri Amarnath Ji pilgrimage.

WAZIR GANGA RAM: The reply given to my part (b) is incomplete. I had inquired whether such contracts were granted in any other part of the State also. It was stated in reply that similar arrangements are made at Anantnag in connection with Sri Amar Nath Ji pilgrimage. What connection has this with my question?

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji Kt.): This is not the question.

THE HON'BLE MR. K. N. KNOX: I am afraid, I have not got the question. I can not say whether it was allowed for Jammu only. I will reply it later on.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji Kt.): It was over-looked.

WAZIR GANGA RAM: Is it not a tax?

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): How does that question arise?

WAZIR GANGA RAM: I want to know whether the amount charged from the Pithoos is not a tax.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji Kt.): What is your question?

WAZIR GANGA RAM: The question is that when this amount was realized by the workers of Sewa Samiti, the Government held that they were charging a tax. Now when the Government itself has granted a contract of it, does it not amount to charging a tax on the part of the Government? Sewa Samiti people were not allowed to realise this tax on the ground that it was a tax. Presently when the Government itself is realising it does it cease to be a tax?

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji Kt.): The Government have the right but the Private Associations have no right to charge the tax.

WAZIR GANGA RAM: Sewa Samiti people were not allowed to grant a contract, who then ask the Government to grant the contract? Is it not a tax?

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji Kt.):
You did not understand the question.

WAZIR GANGA RAM: They say so.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.):
At what time did you receive the reply ?

SHEIKH ABDUL HAMID: Just now.

WAZIR GANGA RAM: The reply is sent very late.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.):
You receive it late. It Means that you cannot read the reply.

SHEIKH MOHAMMAD AMIN: Sir, the questions are received only ten minutes earlier. Therefore we cannot see the replies.

THE HON'BLE MR. WAJAHAT HUSSAIN: If the copies will be supplied earlier there will be more supplementary questions.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.):
Yes, there will be more supplementary questions

371 WAZIR GANGA RAM: In the last session of the Praja Sabha it was stated by the Govt that correspondence regarding the motor-lorry traffic on the canal road (patari) was going on with the Punjab Govt Will Govt. please state as to what has been the result of this correspondence and what means have the dovt. Devised for removing this difficulty of the people ?

THE HON'BLE MR. WAJAHAT HUSSAIN: No further reply has been received from the Punjab Government.

372. WAZIR GANGA RAM: Are Government aware that in Jammu Province and particularly in Illaqa Kandi Harrar, Bhera, Amla and wild 'ber' (Jajba fruit) are to be found in abundance and the poor people support themselves and their family by gathering these fruits with great difficulty and selling them, but these are liable to an export Customs duty of As. 8 per maund which is more than their price ? If the reply be in the affirmative are Government prepared to exempt them from this export duty ? If not, why not ?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI:
The question of exempting Amla and wild Barries from export duty is under consideration. Harrar and Bhera are used extensively as medicinal drugs in India and the Govern-

ment does not consider it necessary to exempt them from export duty in view of the loss of revenue involved and because the benefit of such exemption will not go directly to zamindars.

A VOICE: What do you mean by Had ?

HON'BLE FINANCE MINISTER: Bones.

MAJOR GENERAL JANAK SINGH: Not bones but Harrar, Bhera and Amla etc.

SHEIKH ABDUL HAMIED: Laxatives.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji: This question may be postponed, Sir !

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): That is, the reply will be given tomorrow.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji: Its reply will be sent tomorrow or in the next session.

373. WAZIR GANGA RAM: Are Government aware that the Hon'ble Judicial Minister did not interview Mr. Shiv Lal Kotwal B. Sc., (Hons.) M. Sc., Pleader ? If it is a fact what are the reasons for it when he was second to none in educational qualifications and ability ?

PT. RAM NATH SHARMA (The Judicial Secretary): The question is vague. The Judicial Minister never refused any interview to Mr. Shiv Lal.

If the member asking the question refers to interview granted to various applicants for the selection of candidates Munsiffs it is stated for his information that the candidates were interviewed by the Judicial Minister and the Hon'ble Chief Justice and the applicants having better qualifications than those possessed by Shiv Lal were interviewed. Mr. Shiv Lal was not called for the interview because he was a second class law graduate and many first class law graduates were available.

374 Information promised in reply to question Serial No. 110 asked on 6th October 1936 by :—

PT AMAR NATH KAK: (a) Has the present Director of Education issued any order prescribing the duties of Arabic and Urdu teachers working in the Primary Schools ?

(b) If so, what are those duties ?

(c) Is it a fact that orders have been issued for teaching

Shash-Kalimat, Nimaz and Risala, Diniat (Part II) to Muslim students reading in 3rd primary classes, Risala Diniat and first ten Sipars of Al-Quran to Muslim students reading in the 4th primary classes and Diniat Part II and Al-Quran to the end to the Muslim students reading in 5th primary classes of the primary and secondary schools ?

(d) If arrangements have thus been made for imparting religious education to Muslim students, what are the reasons for not making similar arrangements for imparting religious instruction to Hindu students reading in different classes of the primary and secondary schools ?

(e) If similar arrangements for teaching Hindu students have been made, what courses of religious instructions have been prescribed for them ?

(f) If no arrangements for Hindu students have so far been made, will the Government pass orders for making arrangements for imparting religious instruction to Hindu students also on the same lines ?

THE HON'BLE MR. WAJAHAT HUSSAIN: Q. D. No. 305.

(a) The order was passed before the present Director took over charge, but was issued under his signature. It has been found unworkable and has consequently been withdrawn.

(b, c, d, e & f) These questions do not arise.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.): This is a question of 6th October 1936 asked by Pt. Amar Nath Kak !

MR. M. A. BEG: Pardon sir !

PT. AMAR NATH KAK: The answer is in English, I believe.

THE HON'BLE MR. WAJAHAT HUSSAIN: I have got the answer in English. (read out the answer).

375. Information promised in reply to question Serial No 425 asked on 17th October 1936 by:—

PT. JIA LAL KILAM: Will the Government please state the amount of money that has been sanctioned for distribution in the shape of scholarships to the students of depressed classes since the year 1932 ? How much has actually been paid to them ?

THE HON'BLE MR. WAJAHAT HUSSAIN:

Grant for 1932	....	...	...	...	Rs. 6400
" " 1935	...	...	...	...	" 6400

Provision for 1934, 35 and 36 annually:—

(a)	For Scholarships in Colleges	...	...	Rs. 360
(b)	" " " High Class	...	"	1800
(c)	" " " Middle Classes	...	"	1800
(d)	" " " Primary Classes	...	"	1632
(e)	" " " Girls Schools	...	"	800
Total				6392

Figures for the years prior to 1936 are not available. In 1936 Scholarships amounting to Rs. 2761 2 as. 6ps. (Boys Rs. 2157 2 as. 6 ps., Girls Rs. 604) were actually paid.

The full grant has remained un utilised for want of deserving students.

376 Information promised in reply to question Serial No. 485 asked on 19th October 1936 by:—

PT JIA LAL KILAM: Will the Government please state:—

- (a) How many students belonging to depressed classes are receiving their education in schools and colleges.
- (b) How many of them are receiving scholarships from the Government (not Dharmarth) ?

THE HON'BLE MR. WAJAHAT HUSSAIN:

(a) 1871.

(b) 280.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.): This is an old question No. 485 of 19th October 1936 asked by Pandit Jia Lal Kilam.

(Addressing the House)

Have you got the list? (Addressing Mr. Kilam)

PT. JIA LAL KILAM: Yes, sir, the list has been supplied to me.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.): Probably you are mistaken. You have mixed it up with other questions. (Addressing the Home Minister)

THE HON'BLE MR. WAJAHAT HUSSAIN: I beg your pardon, I have mixed it up.

377. Information promised in reply to question Serial No. 803 (Q. D. No. 859) asked on 27th of October 1936 by:—

KHAWAJA AKBAR DAR: (a) Is it a fact that the people

of Illaqa Lar and Phag submitted an application to the Director of Education at the time of his tour in the Illaqa for opening a Middle School at Gandarbal ?

(b) If it is a fact, what action has been taken on this application ?

THE HON'BLE MR. WAJAHAT HUSSAN: The status of Primary School Dudbarhama (Gandarbal) was raised to that of Lower Middle School from Baisakh 1991

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.): It is an old question.

378. Information promised in reply to question Serial No. 959 (Q. D. No. 968) asked on the 2nd November 1936 by:-

MR. JAGAT RAM ARYAN: Will the Hon'ble Home Minister please state the date on which the Director of Education issued orders for the dismissal of Achhar Dass, teacher Parol District Kathua ?

THE HON'BLE MR. WAJAHAT HUSSAIN: The Maktab was not closed by the order of the Director of Parol. The teacher left the Maktab of his own accord on 1st Magh 1992, and the Maktab was automatically closed.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): It is an old question.

MR. JAGAT RAM ARYAN: There was a reply in this connection in the last session.

MR. PRESIDENT (The Hon'ble Sir, Lalgopal Mukerjee Kt): You can put a question No need of discussion.

MR. JAGAT RAM ARYAN: He stated that the Director of Education had ordered to close the Maktab. Now he is stating that the Director of Education did not order to do so.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): Two contradictory reasons have been given. Whether the Director of Education ordered to close the Maktab or not, what you want to know.

THE HON'BLE MR. WAJAHAT HUSSAIN: Let him refer to any such reference.

MR. JAGAT RAM ARYAN: He stated that all the teachers left the Maktab in Magh. Then says they left on 1st Baisakh.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee

Kt.): You say that they left on 1st Baisakh 1992; You are mistaken in saying so. The information with us is that they left on 1st Magh.

MR. JAGAT RAM ARYAN: Has no such mention been made?

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): You please refer this matter to the Secretary. He will supply you the answer.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): RESOLUTION No. 3 of yesterday ! The gentleman who has to speak on the resolution may please speak.

KH. AKBAR DAR: Sir, I have yet to speak.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): Didn't you finish your speech the previous day?

KHAWAJA AKBAR DHAR: No, Sir.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): I believe some body else has to speak.

MR. M. A. BEG: No Sir, the House was adjourned.

KHAWAJA AKBAR DAR: Sir, when on their return they reach a distance of 10 miles from any of the two Customes Posts of Kashmir, Domel or Jammu Tawi, these poor people begin to be seized with extreme fear.

PANDIT JAI LAL KILAM: He has said it yesterday.

KHAWAJA AKBAR DAR: What they do is that they wear two trousers, two shirts and two waist-coats. They do so in order that they may not be liable to pay the customs duty on those articles which they possess in short, when these poor people far away from their homes reach at the gate of that Hell (Customes Post) in a state of great anxiety

(Interrupted by Pandit Jai Lal Kilam).

PANDIT JAI LAL KILAM: Unparliamentary explanation.

KHAWAJA AKBAR DAR: The Custodians of Hell, that is the Customs officials... ..

PANDIT JAI LAL KILAM: The words "Hell or hellish" are unparliamentary. It means that they are in charge of Hell.

MR. M. A. BEG: It is a matter of opinion.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): I do not know that word.

PANDIT JAI LAL KILAM: Jahannum(*jahannum*) means Hell.

MAULVI MOHAMMAD ABDUDLAH VAKIL: Sir, it is dignified. 'The custodians of Hell mean the officers of Hell like the Superintendents of jails.

MR. PRESIDENT: (The Hon'ble Sir Lalgopal Mukerjee Kt.): At any rate you should not use this word.

KHAWAJA AKBAR DHAR: They effect a search, and roughly speaking the following articles are found with the poor traveller:

Tea, one seer to five seers turmeric, one seer to three seers loaf-sugar, two to three seers shoes, one or two pairs; one or two waistcoats bought at auction; four or five seers of iron for agricultural purposes; and cooking utensils that they take with them from their country. After this he is asked whether he has got anything else dutiable. The helpless traveller most humbly submits, "Respected sir! I have nothing more with me dutiable". On this reply the Customs guards on duty, strikes a blow on his face, and much abusing him. his persons is searched. All these wearing apparels which are sewn and used are put aside, and on the other hand, a car rattles on the spot.

THE HON'BLE MR. WAJAHAT HUSSAIN Home Minister: Aha! Aha!

KHAWAJA AKBAR DHAR: In which a gentleman whether a State subject or non-State subject is seated, and the car is full of articles or paraphernalia of all sorts bedding and box etc. The gentleman says, "Bring the Book". The book is supplied within two minutes and he at once writes that he has nothing dutiable, and the car rattles on. The poor and wretched labourer, the subject of the State, to whose labouriously earned money, the Government owes its prosperity cries for help and falls down on the road.

LALA HANS RAJ: I have witnessed all this.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt):

MR. DAR: The question is that whether the amount of the customs duty charged should be Rs. 30 or not?

KHAWAJA AKBAR DAR: I come to that point also. If you charge duty on goods worth Rs. 100 instead of Rs. 20 then still injustice will continue and it will do no good to move the resolution. The Customs officials do injustice to them.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.): The question is whether the customs duty should be charged for an article worth Rs. 30 or worth Rs. 50 ?

KHAWAJA AKBAR DAR: It would be exempted upto Rs.30

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.): Then please say that, otherwise no purpose will be served by the resolution.

THE HONBLE RAO BAHADUR THAKUR KARTAR SINGH JI (Finance Minister): Let him read.

KHAWAJA AKBAR DAR: After some time he is made to pay duty on all those articles mentioned above. Does it not amount to injustice, extortion and oppression? How you and we, *i. e.*, the ministers and the members will account for this before the Almighty God? His Highness the Maharaja Bahadur has adopted 'Justice' as his religion and keeping the justice in view, he, on the requests of his subjects, has constituted this Praja Sabha. Although the existing Constitution is much complicated but this is the only way to justice. Nay, it is a narrow way to it. But alas! Those responsible for administration do not go by even this narrow way to justice. What follows the taking of oath here? Oath-taking has two-fold aims, *i. e.*, loyalty to His Highness the Maharaja Bahadur and his successors on the one hand and on the other to do one's duty quite honestly. The duty is that of bringing about the betterment and prosperity for the public and to protect the poor labourers and the agriculturists against tyranny and oppression. So far as my personal opinion goes and as I can judge, it is quite evident that the aim and object of oath-taking lies in the one point instead of two, *i. e.*, to perform one's duties honestly which solves the whole problem; and to take active step to perform their duties with a sincere heart, loyalty and selflessness and to make efforts for the welfare of the country and to protect the wretched against oppression because herein lies the secret of loyalty to the Ruler. Because the king is as a tree and the subjects are its roots. So long as the roots will remain sound the tree will continue to be ever green and flourishing. It comprises the very essence of faithfulness to the Ruler and his successors. What I really want to say is that this should be the policy of the whole Chamber and this is in reality what loyalty is. I dare say that if any person disregards such a policy, he has no right to claim to be loyal. Sir, when the sighs, heart-rending, clamours, bewailings

and lamentations of the oppressed reach the Almighty God, these being heard, bring about many difficulties. And when the Divine Wrath takes vengeance for all this, and even the most powerful of the kings becomes victim to the fury of God, the prayers of the whole world cannot save him, but every thing is overturned at that time. Just as Maulana Roomi has said :

*Masho magroor az hilmie khuda,
Dair gerid sakhat gerid mur tura.*

“You should not be proud if God be merciful for His Wrath, though visits late, is greatly intense.”

In brief, I do not want to take much time, the very purpose of my resolution implies the welfare of the State. This can be achieved if the Government bear in mind that the secret of peace, tranquillity and faithfulness lies in the prosperity of the subjects, because nothing except the cry of heart has a free access to God. Because Almighty God does not take notice of anything else except the heart's cry and is attentive to it.

When efforts be made to turn the State from brush-wood to a bed of roses and to improve its condition then every hair will turn a flag instead of this one flag for the hearts to bear allegiance to it. Our noble Ruler has manifestly expressed that his religion is “justice”. Therefore it is incumbent for those responsible for the administration of the State to act upon it and bearing it in mind that true loyalty lies in the welfare of the country. They should immediately do away with all sorts of oppression which is rampant in the State and the time to do this should be considered as a blessing. *Dunia ba kas wafa nasazed—Agar sazed guz wafa nasazed.* “This world has never proved faithful if at all any body receives any thing from it, it is nothing but deception.”

It is necessary for every body that he should search truth in the light of conscience with due thought to the hereafter. *Agar khoie az gehan ehiman buri dilbari kunh dilbari.* “If you want to depart from this world creditably, win the heart of one and all.” Sir, this is not the case at present. *Zamana ba tue nasazed tue ba zamanah basaz* “It would not hold good to say that if the world does not accord with you, you may accord with it.”

But as Sir, IQBAL says the following will hold good:
Zamanah ba tue nasazed wa tue bah zamanah sataiz.

‘If the world does not accord with you, you should fight with it.’ What I really intend is, that I should struggle for the welfare of the country and that is my faith and that is loyalty to the ruler in the true sense. The time has passed when the saying *Kasie bsanwad mun hie huie mikunum*. (anybody may hear or not, I will go on shouting) could hold good. But now, I have come with the impression *Kisie bsanwad mun hie huie mikunum* “Whether anybody does hear anything or not, I will go on speaking.”

That we with the grace of God, will do and cause to be done everything for the welfare of the country. Therefore I submit that all the members and Government officials should co-operate with me to get this resolution passed.

Sipurdum batue mai-ie khai-h ra—Tue dini hasabie kamo beishra.

I have placed everything at your disposal, you know all about whatever it is, less or more.

L. HANS RAJ: Sir, whatever my learned brother has stated in his speech, is quite reasonable. My request is that if we make lengthy speeches to explain a point to the House then we have to forego many such resolutions which we have submitted after great deliberation to be moved in the House. Just as you have stated that we waste our time by delivering long speeches and slaughter other resolutions. I think that this resolution must be passed and I fully agree to it. I would request other members that whatever they have to say, they should say in brief, in order to save time.

SHEIKH MOHAMMAD AMIN: The request about time made by my friend L. Hans Raj, is quite reasonable. Therefore I submit to the House one or two things about this resolution. The aim of the resolution proposed by my friend Khawaja Akbar Dar is that the personal luggage of all those labourers who enter the boundries of the State from outside should be exempted from customs duty as is done in the case of respectable people and gazetted officers. These helpless labourers bring with them property worth Rs. 20 or Rs. 10 only and on that they have to pay the customs duty while on the other hand the high officers who are able to pay the duty are exempted from it. For instance, I would submit that under personal luggage Rules the articles upto the value of Rs. 1000 are exported without duty, that is, previously silver wares were exempted upto Rs. 500 but now they are exempted upto

Rs. 1200 and have been included in the personal luggage. Similarly apart from the necessities of life, the articles of luxury, *i. e.* Harmonium and Gramophone can also be imported in the State without duty.

Under these circumstances, it is a question of principle that the respectable people are not charged with the duty and are supplied with all the facilities but contrary to this customs duty is charged from the poor labourers on articles of bare necessity for instance on utensils and apparels, since such articles are exempted in the case of rich people under personal luggage rule. Although exemption to rich people and officers is not the correct interpretation of the personal luggage Rules. Thus the ordinary things, *i. e.* apparels and utensils of a poor labourer can fall under the personal luggage Rule. But duty is charged from them against the rules. The object of my learned friend is this that the personal luggage of the poor labourers may be exempted from duty, and the duty may be charged for whatever may be over and above the personal luggage.

I hope, the Hon'ble Finance Minister will accept this resolution which recommends exemption of duty upto Rs. 30. With these words I support this resolution.

PANDIT JIA LAL KILAM: In this resolution it is stated that those labourers who come from the Panjab, and bring property containing apparels and utensils with them, may be exempted from the payment of duty upto Rs. 30. With regard to it I would submit that the taxation is based upon some principle. Articles of luxury and amusement are taxed at a high rate. But here the case is that the poor labourers who leave their places and go over to the Punjab and other countries do not go there for the sake of pleasure and recreation, but they do so on account of necessity and straitened circumstances. Under these circumstances, the Government should sympathise with those wretched fellows who in the Punjab, go through fire and water and earn their bare livelihood through hardwork. There is no subsidiary occupation for them in their country and they instead of passing their six months of winter season without work, leave their place in order to add to their income by working somewhere else. Because they do not possess such land which provide their requirements all the year round.

These poor labourers, are compelled by their straitened

circumstances to go over to the Punjab and other cities, where they earn some money and pay to the Government Treasury in the form of revenue, which is to be paid compulsorily. Besides it, if they save anything, they buy articles for personal use. In view of above, the Government should justly consider their this reasonable demand with great courtesy and should practically sympathise with them in the true sense of the word.

The second thing, which is worth your consideration, is that on their return, articles of little value in their possession, for instance, utensils and apparel do not cost more than ten or twelve rupees. I do not think that the property in their possession exceeds Rs. 30 in value. I do not possess the figures at present, as to what is the number of such labourers. In my opinion their number will not be more than five or six thousands. If we take an average of Rs. 10 per man, then the whole of property amounts to Rs. 6000. Out of this they pay land revenue of Rs. 10000 to the Government. I do not understand why the customs duty is charged from the insignificant property of those six thousand men who bring it on their return from the Punjab, where they endure hardships in the scorching heat of the sun in the Punjab. Their feelings are greatly injured and it lays an undesirable impression upon their minds. They think that the customs officials get share out of it as a result of this they carry this misunderstanding when they go home to their fellow villagers and express all this in such words, as have been used by my friend at the time of moving the resolution.

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister): What were those words?

PANDIT JIA LAL KILAM: Well, the Hon'ble President has ordered not to use such word in future. I submit that the Government should be mindful of three things in this connection. Firstly, the payments that these labourers make to the Government treasury in the form of land revenue. Secondly, to lesson the propaganda work which they do in their villages on their return. Bearing in mind their property and distress, I sanguinely hope, that the Government would accept this resolution.

SUBEDAR KHAN MOHAMMAD KHAN: Sir, the customs Post of Jammu and Kashmir State from the labourers of Poonch, who work in Jammu and Kashmir.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): There is no such mention in this resolution.

SUBEDAR KHAN MOHD KHAN: Since Poonch is also a part of the State, so all those regulations which come in force here, should also be enforced there.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): You ought to have put your amendment to the original resolution before this.

MOULVI MOHAMMAD ABDULLAH: Sir, I do not want to take much time I have to submit only this that there is no reason why a gentleman should not be asked for duty while a poor labourer is made to pay even when he possesses articles of ordinary value. The Kashmiri labourer financial condition is considered as pitiful. During the winter these poor fellows work even on four pice a day and earn hardly for their subsistence and after this if they save anything they, on their return, buy some cloth for their children. While coming back to their homes they do not travel by lorries, but often travel on foot, with the idea to make some saving for their subsistence. It is the admitted principle with all the countries of the world that the taxes of two kinds, are imposed. Firstly, that which after its collection is spent on those from where it is collected, and secondly, that which is realised from the rich and spent on the poor in order to help the poor. I am of opinion that no tax should be imposed on the poor, the limit of Rs. 30 which, as prescribed by the mover in his resolution, is not essential. Well, I support it in whatever form it is, moreover, I request that this resolution may be passed.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI (Finance Minister): Before saying anything about this resolution on behalf of the Government I want to say that the mover has described such things which are quite unreasonable. Perhaps he might have encountered with such an incident while the case is otherwise. Before I say anything more I want to divert the attention of the Hon'ble President towards those words, which some of the members of this House have used. It was not proper to use such words in the House. Lala Hans Raj in the zeal of leadership has overlooked the fact that the State is not inhabited by the people of Jammu Province only but by other people also. Hence you should not make it a provincial question. The question applies to whole of the State which includes Jammu,

Kashmir, Gilgit and Ladakh.

LALA HANS RAJ : Of course, I apologise.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji (Finance Minister): It is demanded that all those persons who go out side to search their livelihood whether they belong to Jammu, Kashmir, & Gilgit, when they bring the necessaries of life with them on their return, should be exempted from the payment of customs duty on articles upto the value of Rs. 30. The Government being aware of it has since then exempted articles to the value of Rs. 10 and the Government is now prepared to accept this demand if the limit were upto Rs. 25 instead of Rs. 30. I agree to Rs. 25. If the mover will go on emphasising Rs. 30 the Government might not accept it.

KHAWAJA AKBAR DAR : I agree to it.

L. HANS RAJ : Sir, a point is not clear as yet.

MR. PRESIDENT (The Honble Sir Lalgopal Mukerji, Kt.): You have now no right to speak. Khawaja Akbar Dar has agreed to the limit being Rs. 25 instead of Rs. 30. Two members have given their opinion, now I want to know the opinion of the rest. Therefore those in favour of the maximum limit being Rs. 25 may please raise their hands.

(Note :—The hands were raised.)

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.): Carried unanimously.

S. KANHAYA SINGH : Sir, I had also submitted an amendment.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.): You never said anything about it before, nor you cared to move the amendment. You ought to have stood up and moved your amendment before the House. I too have got the amendment here in writing in which it is written that the officials of lowest grade and the poor people may also be included in it.

VOICES : Sardar Sahib, your purpose is served. All are included in it. Where lies the question of the officials.

(Note:—The Assistant Secretary read out before the House the following resolution of L. Shiv Nath Nanda, standing on today's list of business)

“This Praja Sabha recommends to the Council that in order to improve the trade of the State, a Kashmir

State Bank may be started."

L. SHIV NATH NANDA: Sir, this resolution of mine, which is being submitted to the House, has been questioned a good deal in the Praja Sabha. As far as I remember, my respected brother, L. Amar Nath Koli had also moved a similar resolution in the last session at Jammu. Therefore to discuss more about it will be to waste our time. I will divert the attention of the House to about two or three points. To support my resolution I would request that at the time when the Government intends that the trade of the State may be improved and art and industry may flourish then in that case, the existance of a State Bank is very essential otherwise, the progress of trade, industry and art in the State, is a hard task. Every Government which is making progress, at the present time, has opened such banks, which render financial help to the businessmen in order that the trade and industry may flourish. In Japan some such banks have been opened by the Government at the expense of lacs of rupees and they are rendering help by advancing lacs of rupees for the improvement of trade and industry. In England also one, two or four banks of similar type have been opened that give every possible help to the people for the flourishing of the trade, and lacs of rupees of the Government is lying with these banks.

In the States of Mysore and Baroda such banks have been started on Government initiative, especially to render help to the trade and industry. Moreover all the outside Governments are trying their utmost to improve the economic conditions of their countries.

I am afraid the Government, in reply to my resolution, would say that there are five or six such banks existing in the State, from where the people can get help but I would submit that from the time they have been incorporated with the Reserve Bank, they have stopped advancing loans. All the members of the Praja Sabha are fully aware that nowadays these banks do not give interest more than two per cent on fixed deposits. On one side, the Government says that it is prepared to help the people in every possible way, but when we demand money for some business or request for the institution of a bank (as the Hon'ble Finance Minister would say) that Government is prepared to start the bank provided the people co-operate with it. The Government will, perhaps, also say that when the condition of trade in the State was

good and on a large scale, even then there was no such bank in existence.

In reply to it, I may clear the point, that in those days, the sahuikars used to advance loans for trade and business purposes, which have been helping the trade and industry of the State. But since the Government has enforced the Sahukara Bill to help the agriculturists, the difficulties of sahuikars have increased since then. Hence they have stopped advancing loans, as they say, that in spite of obtaining decrease the instalments have been fixed on Rs 2 or Rs. 5 annually, as a result of this they have incurred tremendous loss of thousands of rupees. Moreover, if ever they complain against it, they are not heard. When there is a monetary stringency in the country then it is impossible to get rid of the economic depression. In the State, the condition of the sahuikars has become worse and under these circumstances they are not prepared to give loan to anybody just as the saying goes "A burnt child dreads the fire." Thus the Sahukars of the State have been frightened, and have stopped advancing loans.

The second point which I want to say is the scheme which S. N. Pochkhanewala prepared, that a Semi State Bank may be started. At that time the Government announced that a Bank which will be named as Kashmir State Bank is being started. The Government spent five or six thousands rupees in the preparation of this scheme and Hon'ble Finance Minister invited many respectable businessmen and city people to inform them that the scheme about the institution of the bank has been put into force, therefore they should help it. Accordingly the shares upto the value of 4 or 5 lacs were sold at a stretch. But afterwards the Government within 5 or 6 months returned whole amounts including interest to the share-holders. Under these circumstances I will have to say that this bank was intentionally closed. I do not understand why our due demands are knocked down by the Government.

What was the scheme of Pochkhanewala? It was such a one, that it will not be unjust to say that the person who proposed the scheme had shut a river in a jug. Had this scheme been carried out the industry and trade of the State would have flourished much. Moreover, no one would have pointed out the indifference of the State about the welfare of the people.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji:

Then, whose fault is this ?

L. SHIV NATH NANDA: Sir, the scheme is worth reading and it will be found from it as to whether it is we or you who are to be blamed for it. Pochkhanewala in the introduction to his scheme has clearly elucidated it and alleges to know that the intervention of the Government in such thing in the days of present freedom will be thought unreasonable. But when the Government is bent upon starting such a bank then it should fix its capital at Rs. 50 lacs and should contribute Rs. 25 lacs out of its treasury as an aid and along with it, it is recommended that the Government should not take any interest upto Rs. 20,00,000 for ten years. Moreover, it should bear the expenses of the staff of the bank out of its own treasury for ten years. If the Government on its part would actually do this generous act then I would say, that all the difficulties in the opening of the bank will be removed there and then. Of all the works which Praja Sabha has done during the last three years, the starting of the bank is the most to accredit the Government.

Pochkhanewala has also stated in his scheme that any how or other, if the bank fails then in that case it behoves the Government not to withdraw its deposits untill every penny of the creditors is paid. Many more facilities have been laid down in this scheme. So far as I know this scheme was prepared under the commands of His Highness the Maharaja Bahadur. But it was the bad luck of the people that the scheme was not enforced. Besides, its being inquired time and again in the Praja Sabha, the Government did not show any tendency to open it again.

A few days back the Hon'ble Home Minister stated in reply to my question in which it was inquired whether any interest is given on the money deposited as security in the Electric Department and if it is so how much is it? In my opinion these figures which were stated were about two lac and if such sums were also deposited in this bank and we also were to purchase shares worth two or four lacs then this bank can carry its business quite satisfactorily and all the financial difficulties would be removed.

My submission is this that all the difficulties will be got rid of. The Government while giving a reply to the resolution about the exemption of duty upto Rs. 30 had stated unhesitatingly that no duty was charged upto the value of Rs. 10 and nowadays the Government do not charge upto Rs. 25.

On taking votes all the members welcomed it. The cause of the distress of our country is that there is no banking business. Money's place in the field of industries and trade is like that of blood in human body. If the blood stops circulating, human body ceases to function. Likewise if mutual dealings would stop in connection with trade, industry or in any other sort of business then I would say, that such business or industry etc., would fail. If facilities were provided for banking I would submit that the economic condition of the people would improve within a year. I will not deliver any long speech on this point. I hope, that the Government will accept this resolution of mine, and will not plead any disability for it. Just as it was stated last year, in reply to a question, that these people should come to us to discuss it and then we will see to it. But at that time, I did not ask any supplementary question. Are not all these members of the Praja Sabha present representatives of those people? In spite of that I don't find any reason as to why any other person except these members of the Praja Sabha be consulted in this behalf. It is an ordinary thing. It may please be accepted.

PT. AMAR NATH KAK: I have stood up to support this resolution. There are two types of banks existing in the State. Firstly co-operative banks and secondly, those which are incorporated in British India or in England, and have branches in the State. So far as the Co-operative Banks are concerned they are of no great material help to the industry of the State as they render help only to the Co-operative Societies and have been giving advances to them. As far as the foreign banks are concerned they, likewise, can not render any appreciable help to the trade as they do not make advances on the security of immovable property because according to the State Law they can not attach immovable property. The result of which is that all the money deposited in these banks by the State a very little portion of it is invested in the State, and much of the remainder is invested outside the State. Hence the businessmen of the State can not get much help from these banks. Therefore, besides, in the presence of these banks, one more difficulty has arisen. Since the money cannot be advanced on the security of immovable property, which leads to the reduced rate of interest. Therefore, if there be any such bank, with which the State may have co-operation, and which may be started on Government initiative and wherein the State may

invest money and deposit some security also I would say that the whole of the money will be invested in the State. In this manner, the State and the depositors too will gain much profit.

In view of all these things, I submit, that as the reference of some States has been given so likewise, the Government may start one State-Aided Bank in the State just as the Travancore State has recently started a bank. If there be such bank in the like manner, then the State will gain much profits. The people of the State will also invest money with it and the Government will also render help. Observing all these things I request that either a State bank or a semi-State Bank may be started. With these words I support this resolution.

L. AMAR NATH KOHLI: Sir, this resolution which is being submitted for the opening up of a State Bank was also, previous to this, moved by me, and a reply was given that we should wait upon you to make clear every thing, then you would consider it. Mr. Pochkhanewala has shown three ways in his scheme. Firstly, that there should be one bank purely with the Government capital. Secondly, if possible, one Joint Stock Bank may be started and thirdly, if possible, a Semi-State Bank may be opened, in which the State should invest some capital and besides this the people of the State should also deposit their money. We submitted to the Government last time and again that a Semi State Bank may be started and we will buy and sell its shares too. Now if the Government say that we should start a Joint Stock Bank then I would submit that under the present circumstances there seems no hope of its success. The people have got no confidence in the local indigenous banks so they hesitate to invest their capital with Joint Stock Company. My respected friend Pandit Amar Nath Kak has elucidated it by giving a legal reference that how the foreign banks existing in the State, can not invest money in the State. As they are not allowed to give loans against the immovable property. I would submit that if the scheme of Mr. Pochkhanewala requires any modification, then a bank expert may be consulted to modify it. And according to that modification in the scheme, the bank may be started. I would submit that it is the burning desire of the public that a State Bank may be started and the public cannot do it without State help. The State should come in the fore-front

and purchase some shares first, then the public will buy them. Therefore, I support the resolution of Nanda Sahib and request the Government to accept this resolution.

MIAN AHMAD YAR: Sir, a resolution had already been moved about this proposal and was discussed a good deal. I would submit that putting this scheme to a practical effect will mitigate unemployment to some extent. That is, if a State Bank may be opened in the State then its branches will be established in every district making room for the educated people to be employed in them. Moreover, with the erection of the buildings of the State Bank the labourers will also find labour. Besides, the State treasury will be entrusted to it like the Imperial Bank. The zamindars will get a good many facilities from it. As for instance, when the zamindars pay the land revenue into the treasury the cashier rejects the genuine coin saying that it is not good which puts the zamindars to great inconvenience. If the State Bank is opened then this practice will be changed. With these words I support this resolution.

PT. LOK NATH SHARMA: Sir, in order to improve the industry it is necessary that such ways may be devised or adopted through which the circulation of capital from one hand to another may be made feasible. In the Praja Sabha, the question is not whether the scheme of Mr. Pochkhanewala was good or bad or he stated therein that the percentage subscribed by the subject should be proportionate to that of the Government. This question is not under discussion at present. The question is clear, whether a State Bank should be opened or not? It is not the time to consider the scheme of Mr. Pochkhanewala, whether it is good or bad. The Hon'ble Finance Minister can himself look into that scheme. The request is that all the banks existing, nowadays, in the State had to go through thick and thin in their management and in order to remove all these difficulties it is necessary that there should be a State Bank so that such difficulties may be got rid of.

I would submit that, so far as I can recollect, Mr. Kak moved a resolution in the last session of the Praja Sabha which was in the form of a bill, it ran as: that those foreign banks which are working in the State, should be allowed to attach the immovable property. Mr. Kak's resolution created excitement in the minds of those people who thought that the outsiders should not be allowed to come into the State.

Thereupon I requested Mr. Kak to take his bill back. Accordingly he agreed to do so. Two years back, there were the feelings that the banks, existing in the State do not advance money on the ground that they cannot get immovable property. The people have not got other means. When they require capital for their business, they fall into many difficulties. As far as an instance, I would request that there is once factory and additional capital is needed to manage it satisfactorily. It applies for aid to the Board of Industries in some way or the other but it does not get anything from it. They possess a good deal of immovable property, and they intend to raise money by disposing it of in any way. If no one would come forth to advance money to them in this way, then the factory is sure to fail. I would submit that to carry out everything it is necessary that a State-Aided Bank may be opened. Moreover, I would submit that when a child is in its infancy while walking it takes support of its father's finger. Likewise every industry or institution in the stage of infancy needs the patronage of such a bank. Until this bank is not patronised by the State, I would submit it will have no success.

With these words after Lunch I support this resolution.

LALA HANS RAJ: I think all the members of the House are well aware of this resolution that great requests are being made to start the State Bank.

SHEIKH MOHAMMAD AMIN: Lala Sahib has supported this resolution before.

WAZIR GANGA RAM: No. Not at all.

THE HON'BLE MR. WAJAHAT HUSSAIN: He did not speak.

PANDIT AMAR NATH KAK: He was not permitted to speak.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: He has spoken.

THE HON'BLE MR. WAJAHAT HUSSAIN: He stood to speak, but afterwards sat down.

RAM CHANDRA RAZDAN: Pandit Lok Nath stood up and he sat down.

LALA HANS RAJ: I will not speak for more than three minutes.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt): Yes, speak please.

LALA HANS RAJ: Sir, my request is this that when we made a representation, through the Dogra Sadar Sabha for the establishment of this bank, I submit that report to you, sir, In 1983, a request was made for the establishment of a State Bank and that was granted. When its establishment was under consideration, unfortunately for ourselves the agitation began and all the capital that had been collected was withdrawn by the people and the scheme failed. I would request that its establishment and the acceptance of the resolution is of no avail until the Government do not give its support to it (राजा कालस्य कारनम्) i. e., Raja is responsible for that. My request is that as the establishment of a bank in the State is very essential so this resolution may be accepted. With this, I support this resolution.

KHAWAJA ALI MOHAMMAD: I want to move an amendment to it.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji: Speak a bit louder please. We could'nt hear.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.): Speak a bit louder please, in order that they may hear.

KHAWAJA ALI MOHAMMAD: My request is that this bank should be named as Jammu and Kashmir State Bank.

Laughter.

THE HON'BLE MR. WAJAHAT HUSSAIN: He says that this bank is called "The Kashmir State Bank". In his opinion it should be called "The Jammu and Kashmir State Bank" and not "Kashmir Bank". He means that the words Jammu and Kashmir should be in place of "Kashmir".

LALA HANS RAJ: Yes sir, the bank should be called as the Jammu and Kashmir State Bank.

MR. M. A. BEG: While supporting I request and am of opinion that the learned mover will also accept that it should be The Jammu and Kashmir State Bank in place of The Kashmir Bank. Now I do not intend to discuss it in detail. Therefore supporting this amendment I wind up my brief speech.

THE HON'BLE MR. WAJAHAT HUSSAIN: That is all right.

PANDIT LOK NATH SHARMA: Government may accept it.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.): So far the bank was called The Kashmir Bank, now this

amendment has been moved that it may be called The Jammu and Kashmir State Bank. Those gentlemen who oppose this may please raise their hands.

Note—The whole house raised hands.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): So I will take it that the amendment is carried.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH: Sir, it is not the first question concerning this bank but has been moved many times before. But it is to be wondered at that my friend Mr. Nanda has stated with great emphasis that the bank failed due to lack of Government help in its management. It is not correct. The Government had tried its best and the bank was started. Unfortunately disgusted with the events of 1931-32, the people wanted to withdraw their money and showed unwillingness to deposit money in future. Owing to the public demand we had to refund the money along with the interest. The Government is not to be blamed on the ground that it did not render help. I myself am aware of the fact, that the Government tried its best and big sahlukars' and rich people were induced to buy its shares. At that time, shares to the value of Rs. 8000 were sold but afterwards, as the people themselves shirked from it so this bank failed. The Government even now, is prepared to do it, provided the public responses to it and is prepared to buy the shares Mr. Pochkhanewala had suggested a capital of Rs. fifty lacs to run this bank, out of which shares to the value of Rs. 25 lacs will be sold and Rs. 25 lacs will be paid by the Government and the treasuries will be amalgamated in it, as Mr. Ahmad Yar gave reference to it. This scheme was printed in the form of a memorandums in order that every one may know it and the public be prepared to buy the shares voluntarily. Last year we requested all these members to form a Committee which should inform the public of its advantages. They stated that the public is ready to buy the shares of their own accord. I stated to them that I am also ready to buy the shares. We people discuss while sitting in the Committee and afterwards take it as of no value and do no practical work. When this proposal was submitted before the Standing Committee when all the members of the Praja Sabha who were members of that Committee stated that this matter should be referred to the Unemployment Commission. So it was done and it is still under its consideration. The Government has corresponded about this bank with the

Imperial Bank.

L. AMAR NATH KOHLI: That concerned with the Imperial Bank, not this Bank.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: It concerned both the Imperial Bank and this bank. It is our earnest desire that a State Bank of such type may be established and this is why we referred this matter to the Unemployment Commission. As nothing was decided about this bank so it was postponed. Now, its shares will be advertised in the Government Gazette and in various newspapers and we shall see how the public responds to it? Soon after this if shares to the value of 6½ lacs be sold, then I would request the Government to support this bank also. The Government is not bent upon taking the whole responsibility solely upon its shoulders.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee, Kt.): Should we take it as your amendment. You say that 6½ lacs of rupees may be subscribed. You are not going to accept this resolution in its present form.

(Reads out the resolution).

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: This is the intention of the Praja Sabha that half may be purchased by the Public and half by the Government.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee, Kt.): Should we take it as an amendment.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI:

It is not an amendment. It is the intention of the mover and of the Government as well.

L. AMAR NATH KOHLI: It is not his intention.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: It has not done so. He is at liberty to contradict it. Is this your intention?

L. SHIV NATH NANDA: Yes, this is my intention.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.): Should I take it that it is accepted on behalf of the Government if the public be prepared to take shares worth 6½ lacs of this bank.

L. AMAR NATH KOHLI: How will the public come to know?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: We will advertise it for the information of the public.

THE HON'BLE MR. WAJAHAT HUSSAIN: The mover is probably going to reply whether he has agreed to it or not?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: He will make it clear.

L. SHIV NATH NANDA: Sir, I think, it is clear from the speech which the Hon'ble Finance Minister has delivered now, that owing to the agitation of 1931, the shares and money was refunded to the public on their demand. The Hon'ble Finance Minister has also stated that it is the desire of the Government that a State Bank should be established. It is misunderstood, I want such a type of bank which was drafted in the scheme of Mr. Pochkhanewala. It is also my intention that the public should buy its shares and the Government should give its help. The public has little confidence in the Limited Companies which are now prevalent here. It is essential for a bank to gain public confidence adequately, and this can be attained even when the Government purchases its shares. The Hon'ble Finance Minister has stated that it will be advertised and the people of the State will be informed of its intention about the establishment of the bank. It is also my desire that it should be advertised. Moreover, a Committee may be appointed with the Hon'ble Finance Minister as its President, so that he may guide us and issue necessary instructions and request the Government to help it with a capital more than 6½ lacs. The Hon'ble Finance Minister has accused us that we only discuss it while in the Committees and do nothing. Perhaps, it may have happened so but I do not understand that who promised it and have forgotten. He intends that the Government having purchased the shares first should start the Bank then the people being confident of it, will deposit their money and buy the shares. If the Hon'ble Finance Minister promises that the Government will help by advancing 6¼ lacs and besides a Committee is formed for this purpose then we will get rid of our difficulties. We intend that if the Government is prepared not to speak of 6¼ lacs we are prepared to buy shares to the value of 8 lacs. In Srinagar (Kashmir) shares upto Rs. 6, 7 or 8 lacs can be purchased but until the Government do not give assurance about the soundness of the scheme and be prepared to sell the shares. The public can do nothing. Hence the Government should advertise

it and appoint a Committee for this purpose, otherwise, it will waste our time. Under these conditions I agree to this resolution

THE HON'BLE MR. WAJAHAT HUSSAIN: Sir, as the Hon'ble Finance Minister has explained that the Government accepts this resolution under certain condition but together with it is incumbent on the Government to place its difficulties before the Praja Sabha which anyhow or other stand in its way. Even if the Government accepts this resolution, still it can not be given a practical effect immediately. I wish that this resolution be put into action but it requires time. After that the Government will be liable to be accused of if some delay is caused in putting into effect.

Just as the Hon'ble Finance Minister has stated that they have prepared a scheme to establish, at least, one bank in the State which will show that you should have to co-operate to a great extent. The confidence of the public with the State Bank is very essential. The Bank can not achieve success without public help and confidence. Nothing can be done until the public has confidence in matters of finance. Therefore, the public should play a distinct part in it.

The Hon'ble Finance Minister expressed that there will be no objection to accept this resolution provided there should be public help and capital. Supposing that a capital of Rs. 50 lac is needed to run this bank and the Government and public both will contribute 25 lacs each and if the shares of the values of $12\frac{1}{2}$ lacs will be open for subscription and applications are received for this amount then the payment will be made for $6\frac{1}{4}$ lacs

PT AMAR NATH KAK: No, the face value of shares upto the value of $6\frac{1}{4}$ lacs.

THE HON'BLE MR. WAJAHAT HUSSAIN: This is the scheme (reads the following paragraph from the scheme I propose a semi State Bank to be called the "Jammu and Kashmir State Bank". The authorised capital of the Bank to be fixed at Rs. 50 lakhs divided into shares of Rs 50/- each.

In the beginning only Rs. 25 lakhs will be issued out of which Rs. $12\frac{1}{2}$ lakhs will be paid up and Rs. $12\frac{1}{2}$ lakhs will remain as the reserve liability of the share-holders for the safety of the Bank's depositors; 50% of the capital to be subscribed by the State and 50% to be offered to the public"). That is the reserved liabilities will be $12\frac{1}{2}$ lacs and shares

12½ lacs. Well it is a matter of detail. The member of Praja Sabha should also make great efforts. You should create confidence in public minds about this scheme and induce them to buy shares. It was stated that how the public should come to know about the opening up of the bank and will be managed on these lines. The prospectus, no doubt have to be issued and this will be done by the Finance Department and all this will be advertised. Now if a good deal of applications is received and exceed 6½ lacs then the scheme will be worked out if they are below 6½ lacs then it will be difficult to start the bank. You should prevail upon the public to buy shares up to 25 or 30 lacs. The public of this place is not inclined to invest money in the bank. The Government will wholeheartedly co-operate with you and advance 6½ lacs as an aid.

The Government is prepared to accept this resolution provided the mover and other members of the Praja Sabha being conscious of these difficulties will bring forth the public to render help in this connection and agree to all these words which we have added *i. e.*, this work will be done in cooperation with the public. If you wish it can be done.

LALA SHIVNATH NANDA: That is all right. There is no harm in it. The public co-operation is indispensable.

THE HON'BLE MR. WAJAHAT HUSSIAN: It will be the business of the Finance Department to settle all the preliminary things. It will issue prospectus and advertise adequately. It will be done merely to show that it is not a Government department but a bank for public good. If these words *i. e.*, 'in co-operation with the public' be added to the resolution the Government has no objection to accept it.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): The question is placed before all of you. I ask your opinion about the speech delivered for amendment in the resolution on behalf of the Government. Should these words 'in co-operation with public' be added to it.

MAJORITY OF VOICES: Yes.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): I declare that the resolution is passed by the House, as amended on behalf of the Government.

LALA SHIVNATH NANDA: I thank the Government.

PANDIT AMAR NATH: Please be thankful at the time

when it will be put to effect.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.):

RESOLUTION NO: 2!

Mover: Khawaja Ali Mohammad.

Note:—The Hon'ble President asked the Assistant to read out the Resolution No. 2 of Kh. Ali Mohammad.

The Assistant Secretary read out the following Resolution:

“This Praja Sabha recommends to the Council that a Committee consisting of the non-official members of the Praja Sabha be appointed to enquire into the hardships caused to the zamindars by the Forest Department and to recommend ways for the removal of those hardships.”

KHAWAJA ALI MOHAMMAD (Hon'ble President): With regard to this resolution which I am moving now, several Hon'ble Members of the Praja Sabha have brought to the notice of this House, many important matters through questions and speeches during the last sessions. Therefore all the members are well-aware of its importance. I think, no more discussion on this resolution is needed.

Gentlemen : No one will deny the fact that the poor and helpless zamindars have to face many hardships at the hands of the officials of the Forest Department. On the one hand they have enemies in the Chowkidar and the Lambardars of the village and on the other, the Forest Officials from guard to Divisional Forest Officer are constantly harming him. If this oppressed fellow at any time is unable to pay gratifications in cash or in kind, to the Lambardar or Chowkidar, in that case he at once, is made a victim to the tyrannies of the Forest officials and his domestic property being sold for a very insignificant sum and thus he is made to pay bribes and 'Nazarana'. If, at any time, he fails to give the annual 'Nazarana' and a part of his produce, which is called 'Mangi' in Kashmiri, in time, there and then a false case is conducted against him, and he is involved in difficulties. Four or five year's old wood or that purchased from the contractor is made to be found out from his house and a case of theft is made against him. Whom should he approach for all this and who will hear him? The proverb : “Between the devil and the deep sea” applies to him.

Two or four pieces of Kuth or other forest products having been placed in his house in his absence are made to be found out from his house. In short, thousand frauds and deceits are played to make him a target of oppression.

After guard comes the forestor who likewise claims the annual Nazarana and Mangi from the poor zamindar. He does not desist from reducing the poor to pennilessness. He is forced to pay bribes and thus he is made to run into usurious debts for his whole life. In short, no one spares him; and the Forest Officials from the highest to the lowest fill in their pockets by taking bribes from him. In case they don't get anything from him, a false case is brought against him.

Then next a complainant who files a case and the trying magistrate are both the higher officers of the Forest Department. As the magistrate is connected with the Department so it is natural that his sympathies should, in fact, be with the Department. Therefore, there is neither any hope of justice nor can it ever be. Sir, the zamindars is called the back-bone of the Government and the Treasury is filled with the labouriously earned money of the zamindar.

Therefore, it is incumbent on the Government that it liberate this poor man from the clutches of the brutal officials and he too should be allowed to live a life of peace. I declare to the Government, by the beat of drum, that if it will expedite measures to put an end to the troubles of the oppressed then in any way it will, however, prove to be harmful to the Government. If an ulcer is not treated in the beginning then it goes on developing until it becomes incurable and disables that part of the body. Therefore early measures should be adopted to put an end to his grievances. Otherwise when they are provoked to the highest extent they have no other alternative except causing troubles and becoming a source of serious difficulties to the Government. Therefore, I would submit that in order to free him from troubles a non-official commission from the members of this House may be appointed so that after investigation it may submit all its recommendation to the Government. The appointment of the Commission will bring to the notice of the Government all such difficulties which the zamindars are made to face and thus the Government will be able to take immediate steps to remove his trouble so that the Government may not have to face dangers that are likely to exist otherwise.

In the end, I submit to the Government that it should accept this resolution and put an end to the troubles of the zamindars.

PT. RAM CHANDRA DOBEY: While supporting it, I intend to quote a concrete example which has come to my notice just now. A good many Harijans, Gujars, and other poor people of Jammu City bring faggots on their heads from the villages adjoining the city and crossing the river sell it in the city. They supply this from their lands or Shamilats. Unfortunately the practice which the officials of the Forest Department have adopted has caused much distress and anxiety to these people. The officials of the Forest Department away from the boundries of the forests have encamped near the Tawi. When these poor people come with the fuel, it is inquired from them "Where is the Permit? Get it checked." They get only two annas for the faggots that they sell in the market. How can they afford to undergo troubles in getting the permits and showing the receipt. To oppress people, the Forest officials have formed a league. Their duty was to protect the forests and not to come down and set up their camps near the Tawi and harrass the people. When it came to my notice, I was much sorry to learn this and submitted all these facts personally to the Hon'ble Revenue Minister. He inquired whether I had ever brought this to the notice of the officers of the Forest Department.

I said that being a member of the Praja Sabha, it was not for me to talk about these matters to the officers of the forest or other departments. My duty is to approach you. I was directed that if I did not like departmental action to be taken, I should put a question in the Praja Sabha in this behalf. I considered it to be impossible to achieve this object through short notice questions. Therefore, we thought it better and we are contemplating that in order to discuss this matter an adjournment motion should be moved.

The Government is responsible for this. When the condition is such at Jammu (Nearer the Church Farther from God) what will be the condition in the Muffassils? You can imagine it yourself.

S. DHIAN SINGH: Pandit Sahib has told you about Jammu. I want to tell you about Poonch. When I was coming to attend the Praja Sabha session, the lorry by which I was travelling was carrying wood belonging to a factory, from Poonch. The carrier of wood possessed the certificate of the

Commission Agent of Poonch the Forms of Jammu and Poonch Customs Department. But the Forest Ranger did not care for all these things and seized the wood. I gave him to understand that I certify and know the contractor. I am personally aware that the Poonch Forest Department has sent information regarding it to the Divisional Forest Officer, Kotli, so he should not detain the wood and direct one of his officials to Mirpore to inquire about it by telegram either from Poonch Forest Department or from Chief Conservator and then he should take proper action. But he did not agree to it and seized the wood with the suspicion that Form No. 25 is not attached to it. Just imagine how they are being oppressed? With these words, I support the appointment of a Board.

LALA HANS RAJ: Sir, in 1978, I toured in the hilly tract and went to Kashmir by the way which leads to Kashmir via Bhadarwah. During my journey people brought to me many complaints. But of all, they complained much against the oppression of the Forest Officers and their subordinates. I want to quote an incident for your honour's consideration. There was a house of zamindar in the vicinity of the forest on the 'Dhar' and there was not even a 'Tehsil' nor a Thana within 14 or 15 miles from that place where the Forest Guards exercise the powers of all officers. I showed much sympathy with them in my speeches. But they were so much frightened, trembling and distressed that they hesitated to make a mention of their troubles. The Forest Officials have over-awed them to an undescribable limit. They are asked as to wherefrom do they get the wooden pegs. Accordingly this zamindar met with a similar fate. He related that he cut wood from his land and made pegs of it. But who would take it to be true? The peg being an inanimate, could not bear evidence to this peg. Thereupon the zamindar was ordered to come to Thana. The Thana is situated at a distance of ten or twelve miles from that place. In spite of his wife and daughter being ill he was compelled to go there. I would submit that very heinous incidents occur. These poor people are forced to offer their sheep, its wool and other good things, so much so that they commit immoral acts with their females.

VOICES: Shame! Shame!!

I had, in my petition to His Highness the Maharaja Bahadur, submitted that the people are in great distress and that He should go to Kashmir via Bhadarwah. He, when

He was a Raja, made a tour and visited the part. He heard the complaints of the people. I advised the people to form societies and sabhas, but they are not in a position to do so. I formed societies forcibly at some places and reached Achhabal in this way. I have been telling the people to protest and bring their complaints to the notice of the officers and His Highness the Maharaja Bahadur. I passed my 18 days there and have been staying at other places for 15 or 18 days in the like manner and formed such Sabhas. After my departure, the Tehsildar of Doda ordered them that they have no right to form such Sabhas.

I made up my mind that I will take him to task. For this reason I had been fighting the case for 18 years. I approached the high officers but as he had had accumulated lots of money so he won over the officers and was acquainted. One of its cause being that I had to go to Mirpore during the disturbance and the case was left over.

All those villages which lie in the vicinity of forests and where the forest officials oppress the people much it is pity that they are not connected with motor road. This is why the high officers cannot visit those places. When Khan Bahadur Abdul Qayoom was Wazir-i-Wazarat at Udhampore, I requested him to visit that Illaqa. So he did. The people are in great distress. Now hear about the Forest Officials. There are some such Guards who bring boxes full of pounds from these parts. I do not know in what words I should support this resolution. The Board is greatly needed. If you peruse my article about the Forest Department, you will come to know how the money of the people and of the Government is being wasted. Maharaja Ranbir Singh Sahib Bahadur used to say that "Forests are the hairs of my moustaches". It has become a great problem for the poor people to get fuel even for their cooking purposes.

Deenian (pieces of pine tree used for lighting purposes by the mountaineers) which the mountaineers use for lighting purposes, the guards have fixed on them Rs. 2 as an annual Rasum. If they do not comply with, they are got imprisoned and kept in custody. No body cares for them. They complain but nobody pays heed to it and protect them. It is very necessary to remove this distress of the people. For this reason I support the resolution.

SARDAR KANHAYA SINGH: Sir, I also want to submit some facts. The mover has moved the resolution for the

appointment of a Commission to investigate the tyrannies of the officials of the Forest Department. I would submit the reason why this Commission should be consisted of only non-official members. It is because the Forest Department has kept many safe-guards but in spite of all that the people are undergoing great hardships and it is necessary to remove the distress of the people. You are well acquainted with the Lolab case which occurred, in spite of all the precautions taken by the Department and lacs of rupees were misappropriated. The zamindars rendered great help to the Government in the matter by supplying important informations. But their difficulties are ever increasing. They invite the attention of the officers to this matter but are disappointed. The price of wood has been enhanced. It is as it were punishment that we receive in return for our information that we (zamindars) supply and make complaints to the officers against bribery and high-handedness. We the zamindars are entitled to concessions as we are protectors of the forests. If fire breaks out anywhere, we sacrifice even our lives and remain busy to serve the Government with heart and soul. It was necessary that we ought to have been encouraged by granting concessions but contrary to this the rates have been enhanced.

The contractor who comes from outside is provided with facilities whereas the people of the country do not get anything but troubles. The public are realizing that if they get cement in place of wood then all the difficulties which arise due to this wood, would be removed. Many times the proposals have been submitted but no one pays heed to them. There is so much of injustice in the Forest Department that they (Forest officials) themselves frame charges, prosecute cases and give judgement. What a sort of justice it is? Where there are other law courts it is very objectionable to give them such power.

I was about to say regarding the plywood that it comes here from a distance of six thousand miles. Therefore I would submit that this non-official Commission will after all consist of human beings. They will submit proposals to the Government regarding how misappropriation of money is caused and how loss is caused to the forests and how the poor people are oppressed. As has been stated by Dobey Sahib that the poor fellows cannot bring wood from the forest even of the value of two or four pice. That a lot of injustice

is done to the people even in these days of enlightenment. The high officers have nothing to do with all this but rather it is the Forest Guard who has been given much powers whereby he does not permit these poor fellows to get a little fuel for their use. These are the points about which the Commission will consider it. I would submit that it will also lead to the removal of bribery in the Forest Department. With these words, I support this resolution.

THE HON'BLE MR K. N. KNOX Revenue Minister): Sir, Government are perfectly willing to accept the Resolution and to welcome any information in regard to the administration of forests. I would only suggest to the Hon'ble Member if one or two officials members from the Forest Department were to form a Committee to understand the difficulties. Some of the points noted by the Committee may be remedied on the spot and others may be referred to ourselves. A Committee may be appointed consisting of Chief Conservator of Forests as President, one Forest officer as Secretary and five non-official members to be elected by the House. If this be agreeable to my Hon'ble friend, Government are perfectly willing to accept.

MR PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.): Do you agree to it that is I want to ask the House whether it accepts this scheme. Those members who agree to it may please raise hands.

*Note :—*Hands were raised

RESOLUTION is passed as amended at the instance of the Hon'ble Revenue Minister.

1. Chief Conservator of Forests ... President.
2. An officer of the Forest Department Secretary.
3. Five non-official members to be elected by the House.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.): I would like whether the members be elected now or later.

KHAWAJA ALI MOHAMMAD: We will do it later on.

MR. PRESIDENT (The Hon'ble Sir, Lalgopal Mukerji, Kt.): That will be troublesome. I have no objection.

PT. RAM CHANDRA DOBEY: We intend to do it just now.

L. HANS RAJ: It does not require consultation. It should be done just now.

Note :— Khawaja Ali Mohammad suggested the following names :—

1. Mr. Jagat Ram Aryan.
2. Mr. M. A. Beg.
3. Pt. Ram Chandra Dobey.
4. Major General Th. Janak Singh Ji and
5. The Mover.

MAJOR GENERAL JANAK SINGH JI: May I suggest in my place the name of Ch. Abbas Ali. He is a zamindar and is always present. I remain generally absent

KHAWAJA ALI MOHAMMAD: We have no objection.

S. KANHAYA SINGH: Those who live near forests may also be taken *i. e.*, those who have to undergo these difficulties.

MR. PRESIDENT (The Hon'ble Sir, Lalgopal Mukerji, Kt.): Do you all agree with the five names proposed?

L. SHIV NATH NANDA: No Sikh has been taken.

Note :—L. Hans Raj rose to speak and Sheikh Abdul Hamid remarked

SHEIKH ABDUL HAMIED: He who supported the resolution is not taken (as a member in the Board).

PT JIA LAL KILAM: This is most imparliamentary expression. My humble submission is that we should follow rules when we are addressing each other. Under rules of Business and Procedure, we can not make a personal charge.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.): I will take note of it when it occurs again.

A VOICE: Chaudhri Abbas Ali is a Forest Contractor.

MAJOR GENERAL JANAK SINGH JI: If you have any objection then Risaldar Sadhu Singh may be taken.

THE HON'BLE MR. WAJAHAT HUSSAIN: Sir, He himself objects to it on the ground that he is a contractor.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.): Now, whose name is suggested.

THE HON'BLE MR. WAJAHAT HUSSAIN: Risaladar Sadhu Singh's.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.): Now, these will be five non-official members :—

1. The Hon'ble Mover.
2. Mr. Jagat Ram Aryan.

3. Pt. Ram Chandra Dobey.
4. Mr. M. A. Beg.
5. Risaldar Sadhu Singh.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.) :
 RESOLUTION NO. 3.
 KHAWAJA GHULAM MOHAMMAD MOVER !

Note :—The Hon'ble President asked the Assistant Secretary to read out the resolution. The Assistant Secretary read out the resolution of Khawaja Ghulam Mohammed Sadiq):—

“This Praja Sabha recommends to the Council that the rate of Road Toll for Banihal Cart Road and Jehlum Valley Road of the Jammu and Kashmir State be so reduced as not to exceed in proportion the Road Toll of Rs. 2 charged for the distances from Rawalpindi to Kohala.”

KHAWAJA GHULAM MOHAMMAD SADIQ: I have just now received an information from my party that the Government has already appointed a Committee for this purpose and will contemplate on the question of lowering the Road Toll. I believe that their information is correct. Therefore, before I discuss this resolution, I want to ask the Hon'ble Finance Minister whether he would bring it under the consideration of the Committee ?

THE HON'BLE MR. WAJAHAT HUSSAIN: Sir, that Committee has already considered the matter and has submitted its report. It would not be proper for me at this stage to say on the floor of this House what that decision is ?

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.): (Addressing the member) Will you withdraw it now ?

KHAWAJA GHULAM MAHAMMAD SADIQ: On the condition that if the Hon'ble Finance Minister be prepared to bring this resolution under the consideration of the Committee.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji: I want to explain that the Committee has finished its work. Its recommendations are under the consideration of the Government. I also want to explain that the Government is in favour of this recommendation but I do not know upto what extent.

KHAWAJA GHULAM MOHAMMAD SADIQ: In view of it that the Government has admitted in principle that the rate

is excessive.....

THE HON'BLE MR. WAJAHAT HUSSAIN: Excuse me. The Government has not issued any order as yet. What you want is to make the Government commit in this behalf. The Hon'ble Finance Minister has given the indication that most probably the rates of the Road Toll may be reduced. It would be improper on your part to make the Government commit. It is most certain that the rates of Road Toll may be reduced. You can not make the Government commit.

KHAWAJA GHULAM MOHAMMAD SADIQ: Somehow or other my intention or object of saying is only that which the Hon'ble Finance Minister has expressed. It was by way of rough estimate that I said so.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGHJI: You estimated it well!

KHAWAJA GHULAM MOHAMMAD SADIQ: I estimated and said that the Government has stated it. I do not press for it and withdraw my resolution.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGHJI: Thank you!

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): It is not only withdrawn but has not even been moved in the House.

This resolution is withdrawn.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.):
RESOLUTION: No. 41 of Chaudhari Abdullah Khan.

Note: [The Assistant Secretary read out the resolution as follows]:

"This Praja Sabha recommends to the Council that an Upper Middle School be started at some central places in the Southern part of Samba Road".

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGHJI: No arrangement has been made of place as yet and you began to talk about roads.

CHAUDHRI ABDULLAH KHAN: Some area of Sambha town.....

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGHJI: Speak a bit louder please.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.): Please speak a bit louder.

CHAUDHARI ABDULLAH KHAN: Some area of Samba Town lies towards North and some towards West. This area has spread out to 20 miles from Jammu Tehsil. This road *i.e.* Samba Road has divided it into two big parts one of which is situated on the West of Samba Road and the other on the North. The area of the northern part is Kandi and hilly which have got schools according to its requirements. This part is mostly inhabited by Hindus and Kajputs. In addition to Primary Schools there are 2 Lower Middle Schools and one Upper middle in Birpore the Lower Middle School is upto the 7th Class. The southern part of Samba has a dense population on account of its being a plain and there is a mixed population of Hindus and Mohammadans. It is at a distance of about 12 miles from Sambha road and the area adjoins the illaqa lying on the British territory for, instance; Tehsils Pasrur, Narowal and Shakargarh. The illaqa which in respect of its dimensions, density of population and due to paying lot of taxes is very unique and incomparable. But I would submit that in spite of its being situated in the remotest corner, there is no upper middle school in this part, and is without any opportunities of education. There are some primary schools, for instance; Nanga, Jochak, Haptal, Chak Baglan, Rarhi, Rattanpur, Channi manhasan, Sawankar and a lower middle school at Ramgarh in the central part of this illaqa. The education is imparted upto 6th class only. This area, in respect of its income and population, is most wellknown than the northern part of Sambha road, and there should essentially be an upper middle school in proportion to the population. No doubt, there is a high school at Sambha for higher education, but the boys could not get education owing to great distance and especially due to the Nullahs of Devak and Basantar which come between this tract and Sambha. Therefore, I humbly submit that an upper middle school is necessitated in this tract in view of the conditions and circumstances of this tract and especially of its being in a remote corner. Therefore, I submit that an upper middle school may be started in the centre of the southern part of Sambha road, especially in Ramgarh town.

SARDAR HARI SINGH: I support it, sir. There is no doubt in it that there is a middle school at Sambha, but it is not an upper middle school. Therefore the opening up of an upper middle school is very necessary.

THE HON'BLE MR. WAJAHAT HUSSAIN: (Home Minister) I could not hear. Please speak again.

SARDAR HARI SINGH: There is only a lower middle school at Sambha, but no upper middle school is there. Therefore an upper middle school may be opened.

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister): At which place.

S. HARI SINGH: The zamindars of the part lying on the way which goes from Jammu to Kathua, depend wholly on agriculture. They are so poor that they can not send their sons to distant places for getting education. Now the Government has issued this order that as far as possible the zaildars and the Lambardars should be literate. Then in these circumstances it may be stated that when there is no such school at this place, how can this object be achieved. If education spreads a good deal, then the bribery will be checked. It is the noble wish of our Noble Ruler that every body should be educated; when the Government has funds with it then it should issue orders to start a school in this illaqa. I support it with these words.

MIAN QURBAN AHMAD: Sir, the resolution submitted by Abdulla Khan is very important. It has been stated therein that the road which comes from Sambha to Jammu divides Sambha into two parts, one northern and the other southern. The mover has told every thing about the north Narowal, Pasrur, and Shakargarh are situated at a distance of about 20 miles from the southern part, and there are only 5 or 6 schools within these 20 miles, and those being lower middle. In view of it, it is necessary that an upper middle school may be opened. I strongly support this resolution.

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister): Sir, I have to say about this resolution that the aim of this resolution is that the arrangements may be made for secondary education.

MIAN QURBAN AHMAD: I can not hear. Please speak a bit louder.

L. RAM LAL: There is noise on the office side.

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister): All have realised it, that every Government on its part endeavours to spread Primary education on a large scale. Ch. Abdulla Khan has submitted this that no much care may

be taken for the primary education but rather greater heed should be paid to the secondary education essentially. It is not known that to what extent the Praja Sabha will agree to it. The other difficulty which I am feeling is that at present all the schools that are opened in the State are so opened in the following manner. The Praja Sabha has appointed a Standing Education Committee, whose members are elected and that Committee has been given the powers to open schools wherever it considers necessary. The Government has no special power to do so. Most of the members of that Committee are from the Praja Sabha. It is the policy of the Government that the education may be extended every year. And under this policy, 2 upper middle, 8 lower middle and 7 primary schools are opened for boys. These are besides those which are meant for girls, and the report of the progress made is sent to the Director of Education recommending the places where the schools are to be opened. The Director of Education submits it with his opinion, and we send this proposal neither to the Government nor to the Council, but to the Standing Education Committee and whatever they do, is accepted by the Education Department. The Council has delegated its powers to the Standing Education Committee. The Praja Sabha is aware that the opening up of schools lies in the hands of the same Committee. This is the first difficulty. The other is, that we have assisted this Standing Education Committee and we have found that in reality it (Committee) is an influential body. As a rule such questions are submitted to the Standing Education Committee. Therefore it should be submitted to that Committee. To move such questions in this House is to insult that Committee. The resolution of Abdulla Khan is to open a middle school at Ram Garh. It should be submitted to the Standing Committee. Every year two middle schools are opened out of which one goes to Jammu and the other to Kashmir. This year the question was as to where this school should be opened. 283 applications were received for opening the school at Nowshera. After considering their claims, it was accepted that for the time being the upper middle school should be opened at Nowshera. If the Government take it for granted that an upper middle school should be opened at Ram Garh, then the Standing Committee would have no value and prestige. We have got the list of those places where the schools have been opened i. e. a high school at Kathua, no upper middle school; one middle and one high

school at Samba; High School at Kishtwar, no middle school no middle school but high school at Udhampur; one middle and one high school in Bhadarwah. If there is not one here, then how should we take it for granted that in the presence of a high school in Samba, another middle school be opened. This claim of Ramgarh was brought before the Praja Sabha last year, and as well as now and would be so in future. But the Government cannot give any promise that an upper middle school will be opened.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.): Will you discuss it or will the Hon'ble member withdraw it?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister): Yes, this resolution should be withdrawn, as we have to maintain the prestige of the Standing Committee.

ABDULLA KHAN: If any promise for the coming year is given, then I will withdraw it.

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister): I cannot promise. The thing is clear. You should submit this resolution to the standing Education Committee.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt): (Addressing the Hon'ble Home Minister) The Hon'ble member wants that the resolution should be to vote.

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister): It was the intention of the Praja Sabha that there should be no objection to it but the reason is that the Government has appointed a Standing Committee which has been given powers in this matter to see where such schools are greatly needed. Otherwise this resolution was an ordinary one. We cannot accept it in order to maintain the prestige of the Standing Committee.

MR. PRESIDENT (Hon'ble Sir Lalgopal Mukerji Kt): The question before you is that the Government do not accept the resolution moved by Abdulla Khan on the grounds stated by the Hon'ble Home Minister. Those members, who intend that the resolution of Abdulla Khan be accepted, may please raise their hands.

(Hands were raised).

Those who are against it may please raise their hands.

(Hands were raised).

19 Votes are in favour of the resolution and 26 are against

it, therefore the resolution is lost.

Resolution No: 5 of Kh. Akbar Dar,

Note: The Assistant secretary read out the following resolution of Kh. Akbar Dar:—

This Praja Sabha recommends to the Council that the Kacha road from Pampur to Shopian be metalled.

KH. AKBAR DAR: Sir, the Shopian road is about 23 miles from Pampur. The road in spite of our repeated requests has not been metalled upto this time. It will appear from the following that the road is greatly important.

On account of the metalling of the above mentioned road, the people of Tehsil, *i. e.* Palwama and Kulgam, will get facilities in traffic; even the people of illaqa Kandi in the south of Tehsil Sri Pratap Singh Pura will also be benefited by it.

Tehsil Palwama is situated on the tenth mile of this road, and a big town Shopian is situated on the terminus. It is like Saharan pur and Punjab known for fruit trade. On the same road at Wegama adjacent to Shopian, there is a big "Tirath" "Kpal Mochan" of Hindus where a fair is held in the months of Har and Sawan. The Hindus of Srinagar and all other parts of Kashmir go there, and they have to face difficulties owing to the lack of a metalled road. I have seen these things with my own eyes.

With the repair of road, the trade of all sorts will make progress, and the people will get every sort of convenience. There is no pacca road in these two Tehsils *i. e.* Kulgam and Palwama, except Taral Road which was constructed last year at the occasion of his Excellency the viceroy's visit. Therefore, viewing the condition in brief, I request that this resolution may be accepted.

MOULVI MOH'D ABDULLA: I support this resolution. Just as the Hon'ble Home Minister has stated, that his house is situated on that side. If a metalled road is constructed then the traffic will be facilitated.

PANDIT RAM CHAND RAZDAN: I also support this resolution. The metalling of road from Pampure to Shopian is very essential, because the traffic on this side has greatly increased. It is by the same road that we come from Jammu and the trade of this village is increasing.

THE HON'BLE MR. WAJAHAT HUSSAIN: Sir, in all the

speeches delivered here, I regret to say, that our difficulties are not realised. Yesterday a similar resolution was moved for the appointment of a committee (and L. Hans Raj gave a threat that more resolutions regarding this matter are coming in) Yesterday's resolution for the appointment of the committee was moved by Wazir Ganga Ram. The work of this committee was to prepare a list of all the roads in the State which are to be constructed. Wazir Sahib was asked whether he meant Public Works Roads or Roadcess Roads by it. He replied that he meant the roads *i. e.* the Roadcess roads may also be included. This committee, which the Praja Sabha has appointed, will at least submit its proposals as to where the roads are necessary and where the repair or metalling is needed. Today this resolution is again moved. It also concerns with the work for which the committee will be appointed. If such motions may be passed piece meal, then what would we gain by appointing such a committee. This is one objection. The other objection is that there are some places in the State, where there are no roads and even if there are any then the communication is not satisfactory. It is necessary that we should first attend to them. It is to be seen that what was the condition of this road 6 or 7 years before and what it is now. During these 6 or 7 years many bridges and roads have been constructed. In such illaqas where there were no roads, Kacha roads have been constructed. Kh. Sahib has asked for the construction of a Pacca road. We have already considered the matter and an estimate was prepared. As far as I remember the Pampur Shopian road work was estimated at $1\frac{1}{2}$ lacs. No contractor agree to work below these estimates. If there be any contractor prepared to work below it, then the contract can be conveniently granted to him.

Moulvi Moh'd Abdulla stated that at least a Pacca road may be constructed upto his house. I would ask Moulvi Sahib by what means he used to come to Srinagar for the last 50 years?

The present condition of road from Pampure to Shopian is quite satisfactory. There is a regular motor traffic there and there is no hindrance to it. All the culverts on this road have been built strong. The culvert on the Kulgam Road has been strongly built and motor lorry fully loaded can easily run up to Shopian. This road has been maintained in good condition for the last two years. So much so that

when in 1935 the Army Department sent its forces to Jammu, then these were sent via Shopian. That is to say, every vehicle and every conveyance can run on it easily, which cannot be done so on kacha road during winter and rainy season. In these days the taxi traffic is suspended but there is a good fair weather road without any hinderance to traffic. All the bridges over it have been strongly built and the roads have been widened. Wherever need was felt for a pacca road, there it was done.

In Kashmir Valley Roads were built whenever it was considered more urgent to do so. For instance; the road leading to Phalgam, where the visitors come in large numbers, was metalled. Five years back, the condition of this road was very bad. During these days my friends visited Pahalgam. They had a Baby Austen car with them, on their return, it took 6 hours in reaching Mattan from Phalgam due to kacha road. Now this road is in very good condition. If you go there, you will feel no difficulty, even if it be raining or an inclement weather. Now the visitors go there in thousands. Likewise the Taral Road was metalled, because it was felt more urgent to do so. The illaga of Hindwara which presents a beautiful landscape and where there are such mountains where the winter sports can be had only in summer. First the attention should be directed to that side, where there is a probability of increase in the income of the State.

In Jammu Province also, there are such places where there are no roads, even if there are any they are in wretched conditions. Just as Ch. Abdulla Khan stated that a middle school may be opened in south of Sambha Road and in the course of his speech expressed the need of the people for a middle school. The question of road did not arise, as it was irrelevant. The condition of roads there is not satisfactory. The Sambha-Kathua road is not as good as Pampore Shopian road is. The roads of Mirpur side are also not in good condition. There if anybody has to ply his car on the canal road, then he has to take the permission of the sub divisional officer, Punjab. Even a minister has to get permission for this which is a humiliating condition. The poor people cannot use the general road. Six years back the Government contemplated to construct a Mirpur-Kotli road. This year it has been arranged to connect Akhnoor with the capital. This proposal was undertaken and now it is not in such a bad condition as it was before. In the current year the road has

been constructed from Jammu to Akhnoor and kacha road from Akhnoor to Dharamsal Jhangar, and from Mirpur 6 miles onward. This year half of the road has been completed. The whole of it is estimated at Rs. 1½ lacs.

On the other hand, the road from Akhnoor to Sadholi, and from Jhangar to Naushehrah has also been constructed. The result will be that the traffic will be facilitated in this Illaqa and agricultural product will be increased. Besides this there is an extensive illaqa namely that of Bhadarwah.

KH. AKBAR DAR : Point of order.

I withdraw my resolution

Cheers.

MR PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt) : Though Kh. Sahib withdraws his resolution, yet he cannot do so without the permission of the House. Therefore, I want to know, whether the House permits to withdraw this resolution or not. Please raise your hands.

Hands were raised.

The Resolution is withdrawn with the permission of the House.

Note :—After this L. Amar Nath Kohli's resolution No. 6 on to-day's list of business was read out by the Assistant Secretary. The resolution is reproduced as under :—

“This Praja Sabha recommends to the Council that the Sanitation Cess assessed at the rate of one pice per rupee of the revenue on agricultural land be assessed village wise like Chawkidara tax and receipts from every district be spent on the Sanitation of the same district according to the programme drawn up each year.”

L. AMAR NATH KOHLI : Hon'ble President, I am compelled by all the members to take very little time; therefore, I will finish my speech within two minutes

Sometime back, the village and sanitation cess was imposed in the State. According to it one pice per rupee was realised along with the revenue. Out of the receipts of this tax, whatever was spent on the sanitation, the villagers, in general, did not derive any gain by it. Although this tax was realised from all, and the principle, on which it was assessed, was quite reasonable. It would have been better if the villagers co-operate with each other in order to improve the Sanitary condition of their village. But it is to be regretted that the amount thus realised is not spent for the

purpose for which it should be. Though, to some extent, it impracticable, that the money realised from a particular village may be spent on the Sanitation of the same village, yet, at least, it is necessary and not impossible, that the money collected in a district through the tax, should be spent on the sanitation of the same district, and should not be transferred to an other district. The first demand on it necessarily is that of the requirements of that district, and if something remains after spending there, it may be spent on the villages of another district. In this way the Sanitation of every village can be improved.

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister): Please repeat your words again, so that we may understand it fully, as we have not followed you. I hope, you, will excuse me.

L. AMAR NATH KOHLI: I have submitted that the tax realised from a particular district should be spent in that district i. e., the taxation of one district should not be transferred to another district. It should be realised as Chawkidara tax, so that it may be possible to know how much money is realised from a particular village, and a permanent record should be maintained. With these words, I submit my resolution and conclude my speech.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.): It appears there are two parts of your resolution. One of the part is that it should be realised as Chawkidara...

L. AMAR NATH KOHLI: I say that the tax may be taken, but in the form of Chawkidara Tax. I do not mean that the tax may be reduced but I want that the form may be changed.

MAJOR GENERAL JANAK SINGH: What principle will be followed?

L. AMAR NATH KOHLI: I explain it again that if the revenue of a village amounts to Rs. 1000 then one thousand pice may be realised as Sanitation tax. I do not say that it may be reduced

PT. RAM CHAND DOBEY: I make it clear.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.): At present one pice per rupee is taken on revenue. You suggest that it should be taken village wise.

L. AMAR NATH KOHLI: At this time, if one thousand pice of this tax are realised from any village, and if there are

hundred houses in this village, then 10 pice per House may be realised without any distinction between agriculturists and non-agriculturists.

A VOICE : It means that another new tax will be imposed.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.) : You mean, firstly, it should be realised village wise like Chawkidara Tax and secondly receipts from every district be spent on the Sanitation of the same district according to the programme drawn up every year.

It is evident, that you have got two resolutions, and the objection to it is that the resolution should, in no case, be allowed, because you can not bring two resolutions at a time. If you have to say anything about it, you please speak.

L. AMAR NATH KOHLI : My submission, Sir, is that once this resolution has been admitted, discussion should be allowed on it. If it had not been admitted I would have no objection.

MAJOR GENERAL JANAK SINGH : But the objection has now arisen.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji Kt.) : Mr. Amar Nath Kohli Moved a resolution No. 6 of today's list of business, where upon it was objected that...

L. AMAR NATH KOHLI : Sir, I am prepared to withdraw the first portion of my resolution.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji, Kt.) : (Addressing the members of the Praja Sabha) Mr. Kohli, on being objected, withdraws the first portion of this resolution, which runs as, that the village sanitation cess may be realised village wise like Chawkidara Tax. If the house permits, then it can be done so.

PT. LOK NATH SHARMA : Point of order, Sir.

Two years ago, a certain resolution was tabled by Pt. Amar Nath Kak and on an objection being taken that the resolution was ambiguous. The learned member got up and wanted to explain the resolution and to add some words to make the meaning thereof clear. The resolution pertained to the move of Government Offices from Jammu to Srinagar and vice versa. At that time the late Hon'ble President ruled that it was not open to the member to add any word in the resolution at his sweet will. I would, therefore, respectfully draw your Honour's kind attention to the ruling which

was given by the late President two years ago in the Jammu session in 1935. This request of Mr. Amar Nath Kohli of making a change is one which cannot be acceded to as the resolution needs to be taken up in the House in entirety and not in parts.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.) : In this case the learned member wants to withdraw a portion on his resolution.

PT. LOK NATH SHARMA : But my submission, Sir, is that it is not open to the member to withdraw a portion of the resolution. Your Honour may kindly send for the ruling of the late President.

MR. MOHAMMAD AFZAL BEG : In the meanwhile, will the learned mover of the resolution tell us under what specific rule he is going to withdraw his resolution piece meal.

L. AMAR NATH KOHLI, Hon'ble President : Sir, I want to submit that as the majority of the House wants the next resolution to be taken up, I withdraw my resolution.

Cheers.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.) : Does the House agree ?

VOICES : Certainly !

Note—The resolution was withdrawn with the permission of the House.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.) : Resolution No. 7 of Sheikh Mohammad Amin !

Note—The Assistant Secretary read out the resolution of Sheikh Mohd Amin in the following.

“This Praja Sabha recommends to the Council that the present system of locating the Head Quarters of Offices at one place be abolished and the system of move in case of all those offices which used to move with the Durbar to Srinagar and Jammu be reintroduced as in the past”.

SHEIKH MOHAMMAD AMIN : Sir, this resolution has every time been moved in the House but I would submit in this connection that the figures which I submitted last year need not be repeated. Last year while giving reply to my question it was stated that owing to the present system a saving of Rs. 14000 has been made. I do not think it necessary to criticise it. If, for instance, it may be considered as correct,

then the question arises to discuss those items which the Government have stated. I want to submit that this is not a saving of Rs. 14000 rather we are undergoing a loss. I would submit that according to the Present Postal Regulation all those letters which were sent through parcels are now sent under registered cover; and therefore, a lot of expenditure is incurred in this way. When I questioned about it the Government did not give any reply to it. In addition to it, I would submit that all the savings which the Government incur in not moving the offices can be made good from this head. For instance, I would submit that the contingent grant of the Chief Engineer Public Works Department was Rs 3400. But this New Regulation issued by the Government of India has greatly increased their Postal expenses *i.e.*, Rs. 1880. The Government can save Rs. 2100 in case the office of the Chief Engineer does not move with the Durbar. I have quoted an instance of one office. Further, I would submit that in case of detaining some offices at Jammu, a lot of expenditure is incurred on fans; and likewise, a lot of fire wood is consumed in winter season in Kashmir. Besides, the work suffers to a great extent and no regard is paid to the value of time. I would submit that in winter, the Heads of Departments do not remain in Srinagar. They have to move to Jammu under all circumstances and have to take some clerks with them. Or some men are to be called for from Srinagar, especially in case of those matters which are to be submitted to the Council and necessitates the carrying of the records. All the expenses incurred in these connections amount to heavy sums. In summer the officers of all those offices which are kept at Jammu have to go to Srinagar necessarily. The result of which is that the work suffers. And, often, the Government have to call clerks in very important matters. I would submit about the case of Mr. Avery that the Chief Engineer moved and many boxes containing records and telegrams were despatched from here. Telegrams were sent to Gilgit Division and Bandipur Division from Srinagar, *i. e.*, lot of expenditure was incurred. I would submit this also that the Government in the last session also stated that all those officers who go to Srinagar cannot stay there for more than ten days. But under the orders in force all officers who go to Srinagar with their camps can stay there for four or six months. In this case, the Government have to raise the Camping Scale and there will be greater work, wherever the officer is. It takes six months

in settling a case, but often a case remains undecided from one season to another. In this way it is not advisable to save Rs. 14000 and create so many difficulties. Besides, I would submit that those offices which remain at Jammu during the summer season always seek pretexts to go to Srinagar. If they do not find any way then they apply for leave. In this case, the Government have to make temporary arrangements and have to bear additional expenses. If the present system is changed then the Government will gain to a greater extent.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerjee Kt.).
Your resolution will be taken up on the 28th April 1937, again.

Note—[The Clock struck four and the House adjourned]

THE
JAMMU AND KASHMIR PRAJA SABHA DEBATES
(Official Report)



VOLUME VI.

PART VII

(17th April 1937)

SIXTH SESSION

OF THE

FIRST J. & K. PRAJA SABHA.



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JAMMU AND KASHMIR PRAJA SABHA.

Saturday, the 17th April 1937.
5th Baisakh 1994.

The Praja Sabha met in the Praja Sabha Chambers at Ajaib-ghar, Jammu at Eleven of the Clock. Mr. President (The Hon'ble Sir Lal Gopal Mukerji Kt.) in the Chair.

Note.—Sheikh Ghulam Mohammed, Registrar Co-operative Societies, took the prescribed oath of allegiance.

QUESTIONS AND ANSWERS.

379. MOULVI MOHAMMED ABDULLA (Shah Hamdan Srinagar City : Muslim) : Will the Government please state :—

(a) The number of Wazirs-i-Wazarat, Revenue Assistants, Tehsildars and Naib-Tehsildars in the Revenue Department?

(b) Merits and educational qualifications of each of the above officers?

(c) The number of Muslims and non-Muslims amongst them?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) :

(a) Wazirs	...	9
Revenue Assistants	...	7
Tehsildars	...	32
Naib-Tehsildars	...	37
(b) Vide Statement enclosed.		
(c)		

	Muslims.	Non-Muslims.	Vacant.
Wazirs	...	3	6
Revenue Assistants	...	2	5
Tehsildars	...	8	24
Naib-Tehsildars	...	8	28
			1

*Statement showing the merits and educational qualifications of each of the Wazirs Wazarat,
Revenue Assistants, Tehsildars and Naib-Tehsildars.*

Serial No.	Name.	Educational qualifications.	Departmental qualifications.
WAZIRS WAZARAT.			
1	Rajkumar Padamdevsingh Ji	Matric	Trained in Revenue and Settlement work.
2	Pandit Maharaj Kishen Dhar	B. A., LL. B.	.....
3	Thakur Dhruv Singh	B. A.	Passed Wazarat Examination completely. Settlement trained.
4	Kotwal Tej Ram	B. A., LL. B.	Passed Wazarat Examination completely. Settlement trained.
5	Rao Rattan Singh	Matric	Trained in Revenue and Settlement work.
6	S. Mohammed Akram Khan	"	Passed Tehsildari Examination completely and by Wazarat standard in Criminal and Revenue subjects. Settlement trained.
7	Chaudhari Faiz Ullah Khan	B. A.	Passed Tehsildari Examination and E. A. C's Examination.
8	Khawaja Mohammed Maqbul	Upto B. A.	Passed Tehsildari Examination completely. Settlement trained.
9	Pandit Raghu Nath Mattu	F. A.	Passed Tehsildari Examination. Settlement trained.

REVENUE ASSISTANTS.

1	Pandit Gian Chand	...	Matric	...	Passed	Wazarat	Examination.	Settlement
2	Raja Mohammed Sarwar Khan	...	Upto B. A.	...	Passed	Revenue	subject of Wazarat	Examina-
3	Thakur Goverdhan Singh	...	No English quali-	...	Passed	Tehsildari	Examination	completely.
4	Lala Romesh Chandra	...	B. A., LL. B.	...	Passed	Tehsildari	Examination	completely.
5	M. Saraj-ud-Din	...	No English quali-	...	Passed	Tehsildari	Examination in Revenue	
6	Pt. Beshamber Nath	...	Matric	...	Passed	Tehsildari	Examination	completely.
7	Thakur Hira Singh	...	B. A.	...	Passed	Tehsildari	Examination	completely.

TEHSILDARS.

1	L. Amar Nath	...	B. A., LL. B.	...	Passed	Tehsildari	Examination	completely.
2	Mehta Duni Chand	...	B. A., LL. B.	...	Passed	Tehsildari	Examination	completely.
3	Pt. Sri Kanth Thussu	...	Matric	...	Passed	Wazarat	Examination	completely.
4	Thakur Dalip Singh Pathania	...	F. A.	...	Passed	Wazarat	Examination	completely.
5	L. Ram Lal Batra	...	Matric	...	Passed	Tehsildari	Examination.	Settlement

Serial No.	Name.	Educational qualifications.	Departmental qualifications.
TEHSILDARS—(continued).			
6	Pt. Ram Chand Raina	Matric	Passed Tehsildari Examination. Settlement
7	Thakur Qabla Singh	Passed Clerical & Commercial Examination.	Passed Tehsildari Examination. Settlement
8	Pt. Baij Nath	F. A.	Passed Tehsildari Examination. Settlement
9	Thakur Zaffarsingh	.....	Passed Tehsildari Examination. Settlement
10	Dewan Bhola Nath	Matric	Passed Tehsildari Examination. Settlement
11	Pt. Baldev Chand	B. A.	Passed Tehsildari Examination. Settlement
12	B. Onkar Singh	Matric	Passed Tehsildari Examination. Settlement
13	Pt. Balbader Kaul	B. A.	Passed Tehsildari Examination. Settlement
14	Choudhari Khuda Pakhsh	B. A.	Passed Wazarat Examination completely Settlement trained.

15	B. Moti Singh	...	Matric	...	Passed Tehsildari Examination. Settlement trained.
16	B. Faqir Chand	...	F. A.	...	Passed Tehsildari Examination. Settlement trained.
17	S. Sunder Singh	...	Upto B. A.	...	Passed Wazarat Examination completely. Settlement trained.
18	Choudhari Lal Din	...	Matric	...	Passed Tehsildari Examination completely and by Wazarat standard in Criminal and Revenue subjects. Settlement trained.
19	Pandit Anand Kaul	...	"	...	Passed Tehsildari Examination. Settlement trained.
20	Thakur Raghu Nath Singh	...	No English qualification.	...	Passed Naib-Tehsildari Examination completely. Also passed in Revenue subject of Tehsildari Examination. Settlement trained.
21	Pandit Hari Chand	..	Anglo Vernacular Middle.	...	Passed Tehsildari Examination. Settlement trained.
22	Pandit Jai Gopal	...	Matric	..	Passed Tehsildari Examination in individual subjects. Settlement trained.
23	M. Barkat Ali	...	Anglo Vernacular Middle.	...	Passed Naib-Tehsildari Examination completely. Also passed in Revenue and Criminal subjects of Tensildari Examination. Settlement trained.
24	Syed Nissar Hussain	...	B. A., LL. B.	...	.....
25	Pandit Mahesher Nath	...	Matric	...	Passed Tehsildari Examination completely. Settlement trained.
26	Kachoo Mohammed Shah	...	"	...	Passed Tehsildari Examination completely and by Wazarat standard in Civil and Revenue Law. Settlement trained.

Serial No	Name.	Educational qualifications.	Departmental qualifications.
TEHSILDARS—(concluded).			
27	Thakur Gandharab Singh	... B. A.	Passed Tehsildari Examination completely.
28	Syed Mohammed Amin Andrabi	... Matric	Passed Tehsildari Examination completely in Civil Law.
29	S. Hakam Singh	... ..	Passed Tehsildari Examination completely.
30	Pt. Lachhman Dass	... F. A.	Passed Tehsildari Examination completely.
31	Raja Nur Ali Khan Chib	... Matric	Passed Tehsildari Examination completely in Civil and Revenue Law.
32	Munshi Vilayat Ali Khan	... F. A.	Passed Tehsildari Examination completely.
NAIB-TEHSILDARS.			
1	Pandit Kanwal Nain	... Middle Passed ...	Passed Naib-Tehsildari Examination, Settlement trained,

2	Pandit Nand Lal	...	Anglo Vernacular Middle.	Passed Tehsildari Examination completely.
3	Thakur Sant Singh	...	.....	Settlement trained. Passed Naib-Tehsildari Examination. Settlement trained.
4	Thakur Uttam Singh	...	V e r n a c u l a r Middle.	Passed Naib-Tehsildari Examination. Settlement trained.
5	L. Dina Nath	...	Anglo Vernacular Middle.	Passed Naib-Tehsildari Examination. Settlement trained.
6	Bhai Amar Singh	...	B. A.	Passed Tehsildari Examination completely.
7	Kotwal Kanshi Ram	...	F. A.	Passed Tehsildari Examination completely.
8	M. Ghulam Hussain	...	V e r n a c u l a r Middle.	Settlement trained. Passed Naib-Tehsildari Examination completely. Also passed in Criminal Law of Tehsildari Examination. Settlement trained.
9	Lala Amar Nath Pargal	...	B. A.	Passed Tehsildari Examination completely.
10	Pandit Jia Lal Wanchoo	...	Matric	Settlement trained.
11	Pandit Radha Kishen Durrani	...	B. A.	Passed Tehsildari Examination. Settlement trained.
12	Pandit Arjan Nath Sapru	...	M. A.	Passed Wazarat Examination. Settlement trained.
13	S. Ram Singh	...	B. A., LL. B. ...	Passed Tehsildari Examination. Settlement trained.
14	S. Zulfikar Ali Naseem	...	B. A.	Passed in Revenue and Criminal subjects of Tehsildari Examination. Settlement trained.

Serial No.	Name.	Educational qualifications.	Departmental qualifications.
NAIB-TEHSILDARS—(concluded).			
15	P. Amir Chand Sharma	...	Passed in Criminal subject of Tehsildari Examination. Settlement trained.
16	Chaudhari Brij Singh	...	Settlement trained.
17	Mr. Om Prakash	...	"
18	L. Narindroo Nath	...	Passed Naib-Tehsildari Examination completely. Also passed in Revenue subject of Tehsildari Examination. Settlement trained.
19	S. Isher Singh	...	Passed Tehsildari Examination completely.
20	Pandit Sarwanand But	...	Settlement trained.
21	M. Syed Ahmed	...	Passed Naib-Tehsildari Examination. Settlement trained.
22	Chaudhari Narsingh Dial	...	Passed Naib-Tehsildari Examination. Settlement trained.
23	S. Ali Shah	...	Passed Naib-Tehsildari Examination. Settlement trained.
24	Pandit Narain Dhar	...	Passed Naib-Tehsildari Examination. Also passed in Civil and Revenue subjects of Tehsildari Examination. Settlement trained.

25	M. Mohammad Ismail	...	Middle passed	Passed Tehsildari Examination completely. Settlement trained.
26	Pandit Lambodhar Kaul	...	B. A.	Passed Naib-Tehsildari Examination. Settlement trained.
27	Pandit Tara Chand Raina	...	B. A.	Passed Tehsildari Examination.
28	S. Asa Stngh	...	.....	Passed Naib-Tehsildari Examination. Settlement trained.
29	Pandit Mehesh Nath Kilam	...	B. A.	Passed Tehsildari Examination. Settlement trained.
30	Pandit Sham Sunder Handoo	...	B. A.	Passed Naib-Tehsildari Examination. Settlement trained.
31	Mufti Rashid-ud-Din	...	Maulvi Fazil	Passed in Criminal subject of Naib-Tehsildari Examination. Settlement trained.
32	M. Shamas-ud-Din	...	Middle passed	Passed Tehsildari Examination completely. Settlement trained.
33	Pandit Dev Raj Dogra	...	B. A., LL. B.	Settlement trained.
34	M. Abdul Majid	...	Matric	Passed in subject A (Civil and Criminal) of Naib-Tehsildari Examination. Settlement trained.
35	Pandit Harji Lal	...	Matric	Passed Naib-Tehsildari Examination. Settlement trained.
36	M. Abdul Khaliq	...	Maulvi Fazil	Passed Tehsildari Examination. Settlement trained.
37	Vacant	...	.....

COLONEL BALDEV SINGH PATHANIA : Should this list be read out? I have supplied you with a copy. Have you read that or you want to have it read out now?

MOULVI MOHAMMED ABDULLA : I have read the list. Now I want to ask you supplementary questions.

All the officers from Wazirs Wazarat to the Naib-Tehsildars who are under you are uneducated. Some are illiterate, some have passed the vernacular middle examination and others are matriculates. Is there no graduate who may be appointed?

MIRZA M. A. BEG : Though the list is very long yet it may be read out by the Hon'ble Minister concerned.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : What do you want? You want the Hon'ble Minister to read out the list. It is very long, you can see it afterwards. It is six pages.

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : Yes Sir, it is very long.

PANDIT AMAR NATH KAK : Well, are these uneducated? What do you mean by uneducated?

MOULVI MOHAMMED ABDULLA : Those who do not know English are uneducated.

SHEIKH ABDUL HAMID : Then you are also uneducated.

MOULVI MOHAMMED ABDULLA : Yes, I do not know English.

THE HON'BLE MR. K. N. KNOX (Revenue Minister) : Well Sir, this list shows the persons who were already in service, and it is not possible to turn out the persons who are already in service. In the new appointments educational qualifications will be of a great importance. I will consider it for future.

MOULVI MOHAMMED ABDULLA : Sir, would you please speak in Urdu, I can not follow it.

COLONEL BALDEV SINGH PATHANIA : Those who are already in service cannot be turned out. In future it will be taken into consideration.

MOULVI MOHAMMED ABDULLA : What will be taken into consideration? Has it not been accepted by the Government that an employee from one department will be transferred to another department so that it may be improved.

PANDIT AMAR NATH KAK : It is a matter of opinion.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : There should be no arguments. Your question is over and you have got the reply.

MOULVI MOHAMMED ABDULLA : What I stated was that in order to improve a department an employee from one department will be transferred to the other department. As regards work, it can be done even by an uneducated man.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : That is the reply.

380. LALA RAM LAL (Poonch : Hindu) : (a) Is it a fact that agricultural land in Gulpur (Ajot) is irrigated by the canal from Nullah Batiyar and that these lands are assessed to Abi Parta rates?

(b) If the answer to part (a) be in the affirmative, is not this canal maintained or repaired by the Poonch Government?

(c) If the answer to part (b) be in the affirmative, it may then be stated whether the Poonch Government is in future prepared to maintain and see to the repairs to this canal? If not, the reasons therefor may please be stated?

WAZIR FEROZ CHAND (Wazir Poonch, on behalf of the Hon'ble Revenue Minister) : (a) Yes.

(b) Yes. The Chief Revenue Officer has been directed to submit the estimate for the repair of the Kuhl after inspecting it personally.

(c) Yes, according to condition laid down in the Vajib-ul-Arz.

LALA RAM LAL : What are the conditions in the Vajib-ul-Araz?

WAZIR FEROZ CHAND (Wazir Poonch) : The conditions are laid down in the Vajib-ul-Arz, and you may see them.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : What are the terms of the Vajib-ul-Arz, do you know?

WAZIR FEROZ CHAND (Wazir Poonch) : No, Sir.

381. LALA RAM LAL : (a) Is it a fact that mostly there are parapet walls on the Mirpur-Kotli Road from Mirpur to the boundary of the State as a result of which there is every danger of the slipping of a motor car or a lorry?

(b) If the answer to part (a) be in the affirmative, are the Kashmir Government prepared to construct parapet walls for these roads as early as possible? If not, why?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) Yes.

(b) Parapets are being constructed at dangerous points.

LALA RAM LAL : Sir, I submit that three weeks ago I passed that way and found that no such wall has been constructed there. I do not understand whether your reply is correct or not.

THE HON'BLE MR. WAJAHAT HUSSAIN : It was constructed after you arrived here.

382. LALA RAM LAL : (a) Is it a fact that on rainy days the Kotli to Manail portion of the Mirpur-Kotli road has so much mud there that for days together the lorries get stuck up causing great inconvenience to the travellers?

(b) If the answer to part (a) be in the affirmative, it may please be stated whether the Kashmir Government is prepared to build a pucca road from Kotli to Manail? If not, the reasons therefor may please be stated?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) Yes, a small

length (about 10 chains) used to be muddy but the defect has been removed now. This length is as good as the rest of the road.

LALA RAM LAL : How was the defect removed? My submission is that the condition is the same even now.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You should ask that when was it removed?

THE HON'BLE MR. WAJAHAT HUSSAIN : It was removed this year.

LALA RAM LAL : How was it removed?

PANDIT AMAR NATH KAK : By constructing a road.

THE HON'BLE MR. WAJAHAT HUSSAIN : The engineer removed it by his skill.

383. MIRZA M. A. BEG (Anantnag : Muslim) : Is it a fact that plants from the nurseries at Khudwani (Kulgam) and Achhabal (Anantnag) were distributed to the inhabitants of Srinagar and Badgam? If the reply be in the affirmative, why has this been done?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : Definite information is not available; if plants have been given to the residents of Srinagar and Badgam it is presumably because they wanted them.

MIRZA M. A. BEG : Will the Hon'ble Revenue Minister please furnish this information? Will he enquire and later state if he gets an information in the matter?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The reply is there.

MIRZA M. A. BEG : Has not any information been available?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Later on.

MIRZA M. A. BEG : Sir, he says that he has not been able to give information.

THE HON'BLE MR. K. N. KNOX : Sir, they were distributed to those persons also. No information was necessary in it. These can be given to any body in Jammu and Kashmir. These would really have not been distributed like that, if there would have been a special list for this, but because there is no such list therefore it is not desirable to ask for such conditions. I have not seen any such list. It does not mean that because I do not live at that place and therefore I cannot have them.

384. MIRZA M. A. BEG : (a) Is it a fact that the Agriculture Department has been distributing nursery plants amongst the zamindars free of charge?

(b) Is it also a fact that in 1992 and 1993 the above Department charged one anna per plant (as concession price) from the inhabitants of Srinagar and reserved the plants for them and thus the poor zamindars were deprived of the concession because after such reservation enough plants were not left for the zamindars?

(c) If the reply be in the affirmative, it may please be stated as to how many plants were distributed by charging one anna per plant?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : (a) Yes, in some cases.

(b) 1st part.—Yes.

2nd part.—No.

(c) The number of plants given on concession price and given free during the last four years is given below :—

Year.	Number given at one anna.	Number given free.
1990-91	... 63,787(39%)	... 82,138(50%)
1991-92	... 58,060(32.5%)	... 1,04,081(58%)
1992-93	... 69,226(39.5%)	... 91,864(52%)
1994-95	... 49,357(30%)	... 1,03,093(62.7%)

385. MIRZA M. A. BEG : (a) Is it a fact that the Agriculture Department had fixed 22nd Phagan 1993 for distributing the plants from the nurseries amongst the zamindars of Anantnag Division and that this date was advertised?

(b) Is it also a fact that the officers of the Revenue Department were informed telegraphically on 10th Phagan 1993 that the plants would be distributed on 14th Phagan 1993?

(c) If the answer be in the affirmative, then is it a fact that from 10th to 13th Phagan the information about the date could not reach the zamindars of the vast Illaqa of Anantnag?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : (a) Yes.

(b) Yes.

(c) The weather being warm, the almond buds were about to sprout, and therefore early distribution was essential. Plants were issued only to those in whose favour the permits had already been issued. No case of refusal on demand has been brought to notice and there is still some balance left in Khudwani and other nurseries in the districts, after meeting all the permits issued.

386. MIRZA M. A. BEG : (a) How much Chowkidara Fund is realized annually in village Machh Bawan, Tehsil Anantnag and what out of this sum is annually spent?

(b) If the income exceeds the expenditure, will the Hon'ble Revenue Minister reduce the Chowkidara tax and equalize the in-

come with the expenditure?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : (a) About Rs. 212 are realised as Chowkidara Fund annually from village Machh Bawan and Rs. 180 as pays and Rs. 30 on an average for uniforms, (total Rs. 210) annually are spent.

(b) Does not arise.

387. MIRZA M. A. BEG : (a) Is it a fact that since 1951 four or five Gharats at Aishmokam (Anantnag) used to run by the water of the Martand Canal?

(b) If the answer be in the affirmative, it may please be stated whether it is a fact that the Irrigation Department after diminishing the size of water-pipes (which were connected with the canal) lessened the supply of water owing to which the Gharats had to be stopped totally?

(c) If the answer be in the affirmative, will the concerned Department allow to instal the water-pipes of previous size to run these Gharats?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) and (b) Yes, there used to be a few Gharats till 1917 when they were stopped under the orders of the then State Engineer as the canal water used for running mills was wasted into Nallah.

(c) No, because even now there is likelihood of wastage of water.

388. MIRZA M. A. BEG : (a) Are Government aware of the fact that there are two Middle Schools and two High Schools in Anantnag?

(b) If the answer be in the affirmative, will Government please shift the Government Middle School to Sagam or Aishmokam in Anantnag?

(c) If the answer to part (b) be in the negative, will Government bring the Government school into reduction and open a College at Anantnag instead?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) Yes.

(b) No.

(c) This question is premature.

389. MIRZA M. A. BEG : (a) Is it a fact that Chowkidara Fund is not being charged within the Municipal limits of Jammu and Srinagar?

(b) If the reply be in the affirmative, it may please be stated why such tax is being realized within the limits of the Committee at Anantnag?

(c) Will the Hon'ble Revenue Minister please exempt the inhabitants living within the limits of the Committee at Anantnag from the Chowkidara tax?

COLONEL BALDEV SINGH PATHANIA (On behalf of the

Hon'ble Revenue Minister) : (a) Yes.

(b) The services of Chowkidars for the watch and ward of Mufassil towns are indispensable, the realisation of Chowkidara cannot be stopped.

(c) No.

390. MIRZA M. A. BEG : (a) Is it a fact that the Government intends to bore a tunnel at another place in the Pir Panjal instead of the present spot?

(b) Is it a fact that before making the present an estimate was made for boring a tunnel at Amoh in Verinag?

(c) Is it a fact that if the tunnel be made in this place then it will be nearly three miles long to bore out and if it be bored at Lower Munda then it will be nearly six miles long?

(d) Is it a fact that Amoh-Verinag is at a distance of sixteen miles only from Anantnag and Lower Munda is nearly thirty miles from Anantnag?

(e) If the answer to the above parts be in the affirmative, will the Government bore the proposed tunnel at Amoh-Verinag?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a), (b), (c) and (d) Yes.

(e) A Tunnel Surveyor was appointed for making a survey for a tunnel. The survey has been made and the scheme is under consideration. No design has been taken yet.

MIRZA M. A. BEG : Can the Hon'ble Home Minister please state as to which particular place out of these two was selected for making a survey for boring a tunnel?

THE HON'BLE MR. WAJAHAT HUSSAIN : The reply to this question is not with me at present. You can come to me at some other time and ask about it.

391. MIRZA M. A. BEG : (a) Is it a fact that in the meeting of the Kashmir Students Conference held at Srinagar under the Presidentship of the Hon'ble Home Minister resolutions to the effect that an arrangement of a Boarding House may be made in Srinagar for the village students and that the village students who are generally the sons of the zamindars may be exempted from the tuition and games fees were passed?

(b) If the answer be in the affirmative, it may please be stated as to what action was taken on these resolutions?

THE HON'BLE MR. WAJAHAT HUSSAIN : Copy of these resolutions has not been sent to me.

MIRZA M. A. BEG : If action is intended to be taken by sending the copy, in that case can the Hon'ble Home Minister please state as to whether action will be taken on sending a copy thereof? Perhaps he does not remember.

THE HON'BLE MR. WAJAHAT HUSSAIN : No, it is known to me. The facts are the same.

MIRZA M. A. BEG : Then will action be taken on sending a copy?

THE HON'BLE HOME MINISTER : We will try to do it.

392. PANDIT JIA LAL KILAM : Will the Government be pleased to state :—

(a) If desecration of two Hindu temples took place in Srinagar soon after the Muslim agitation against Judge Bindraban was started?

(b) What action has the Police taken in it? How many arrests have been made so far?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) Yes.

(b) The cases were investigated but no clue of the culprits was found?

393. PANDIT RAM CHANDRA DOBEY : In the villages of Illaqas Kandi and villages of Illaqas Andher of the Jammu Province, the use of impure water causes Narwa, Gilhar, spleen diseases which are proving detrimental to the health of the people. Will the Government please take preventive measures at an early date in this behalf, and with a view of destroying the Narwa germs, direct that the particular kind of fish which is found in Mysore be obtained and put in those tanks, the water of which is used for drinking purposes?

THE HON'BLE MR. WAJAHAT HUSSAIN : The question of increasing the water supply of the areas is engaging our attention. The stocking of fish as suggested is not considered advisable at present.

PANDIT RAM CHANDRA DOBEY : When will it be done? And by what time will such water be available?

THE HON'BLE MR. WAJAHAT HUSSAIN : Mention of one village has been made and arrangements for providing water are in progress.

PANDIT RAM CHANDRA DOBEY : When will it be done?

THE HON'BLE MR. WAJAHAT HUSSAIN : The Hon'ble Revenue Minister will first examine the position and then state as to when it will be completed.

PANDIT RAM CHANDRA DOBEY : Can Government at present roughly state as to when it will be done?

THE HON'BLE MR. WAJAHAT HUSSAIN : At present nothing can be guessed.

394. PANDIT RAM CHANDRA DOBEY : In many villages of Kandi Illaqa of Kathua District, tanks and wells are being washed away by the Nullahs flowing close by. Will the Government please put a stop to this at an early date before the commencement of the rainy season? Will the Government also please have the wells, which are under construction, completed and spend a sufficient sum from the current year's budget for the completion of such important

works?

THE HON'BLE MR. WAJAHAT HUSSAIN : I regret it is difficult to reply to the question in the absence of definite information.

PANDIT RAM CHANDRA DOBEY : If a list of such wells and tanks as are being washed away by the Nullahs, is supplied, will these be repaired before the advent of rainy season?

THE HON'BLE MR. WAJAHAT HUSSAIN : This year it is impossible.

PANDIT RAM CHANDRA DOBEY : Then they will be washed away in the rainy season. Will some special arrangement be made for them?

THE HON'BLE MR. WAJAHAT HUSSAIN : You should inform me and then I will see to it.

395. PANDIT RAM CHANDRA DOBEY : The area of Ramnagar Rakh in the Jammu town is about 1,200 acres. Half of it is Khalsa area belonging to the State and the other half is entered in the Settlement records of 1990-91 as belonging to His Highness the Maharaja Bahadur. Nearly half of the Khalsa area has been allowed by His Highness the Maharaja Bahadur to be used for grazing of cows of the Jammu Town. Will the Government please have the area reserved for grazing of cows earmarked and have this plot shown separately in the records so that the cows of the town may be able to graze therein without any hindrance?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : The matter is already receiving attention. The Governor Jammu and the Conservator of Forests have been directed to report, after inspecting the spot, what area can be allotted for the purpose.

Suitable action will be taken on receipt of the report from the Governor Jammu and the Conservator of Forests.

396. PANDIT RAM CHANDRA DOBEY : In the last sessions the resolution regarding payment of the price of mulberry leaves to the zamindars was passed. Will the Government please state in what manner this proposal will be put into effect and when?

COLONEL BALDEV SINGH PATHANIA : The Praja Sabha Sad is referred to reply to Q. D. No. 79 given on the 8th of April 1937.

PANDIT RAM CHANDRA DOBEY : Will they be allowed compensation up to 1938?

THE HON'BLE MR. K. N. KNOX : Yes.

397. PANDIT RAM CHANDRA DOBEY : The Central Co-operative Bank Srinagar has not been rendering yearly accounts to the shareholders since several years past, so much so that upto now no accounts have been furnished since 1990. Will the Government please declare the Co-operative Department as responsible for rendering the yearly accounts of the Bank and state how long it will take to supply the accounts of the last three years to the share-

holders?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji : Balance sheets of the Central Bank, are duly announced to shareholders in the general meetings of the Central Banks.

The Balance sheets for 1988-89 and 1989-90 were laid before share-holders of Central Bank Srinagar in its Annual General Meeting held on 13th Assuj 1992. The Directorate of the Bank had been irregularly declaring dividends on unrealised profits and when the Registrar stopped this procedure they postponed the meeting of the Bank till profits had accumulated to justify declaring of dividends at former rate.

PANDIT RAM CHANDRA DOBEY : I have not got a reply to the last part of my question.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji (Finance Minister) : So long as their profit is not determined, what can be done in this matter.

PANDIT RAM CHANDRA DOBEY : When it could not be completed for three years, by what time will it be completed now?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji : Now it will be completed soon. The Registrar has pointed it out.

398. SARDAR DHIAN SINGH (Mirpur-Poonch : Sikh) : Is it a fact that His Highness' Government has granted special scholarships for removing the educational backwardness of the Sikh community? If so, will the Poonch Government please grant such special scholarships in view of the fact that the Sikhs of Poonch like the Sikhs of Jammu and Kashmir are very backward in education?

WAZIR FERROZ CHAND (On behalf of the Hon'ble Revenue Minister) : *1st part.*—No, so far as special scholarships are concerned. What is done is that out of the total grant for scholarships, a certain specific sum is reserved for Sikhs.

2nd part.—The question of special scholarships does not arise. Sikh boys are already given the benefit of ordinary scholarships along with other communities.

SARDAR DHIAN SINGH : How many students have been deputed for training in the foreign countries since the establishment of the Scholarship Selection Board?

WAZIR FERROZ CHAND (Wazir Poonch, on behalf of the Hon'ble Revenue Minister) : Sir, it concerns the State.

SARDAR DHIAN SINGH : Wazir Sahib I did not ask you this question. It concerns the Kashmir Government.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You have referred to Poonch only.

SARDAR DHIAN SINGH : Yes Sir, it was by a mistake that I did so.

399. SARDAR DHIAN SINGH : Will it please be stated as to how

many Gazetted posts in the Customs, Excise and Police Departments of Jammu and Kashmir Government are held by Hindus, how many by Muslims and how many by Sikhs? If there is a deficiency in the representation of the Sikhs, will Government consider this question and make up this deficiency at an early date?

THE HON'BLE MR. WAJAHAT HUSSAIN : The following table will show composition of the gazetted officers in the Police Department by communities :—

Hindus	... 11
Muslims	... 4
Sikhs	... 1
Others	... 2

SARDAR DHIAN SINGH : Sir, I have not got any reply to the second part of my question.

THE HON'BLE MR. WAJAHAT HUSSAIN : It is not yet ready and this is why I have apologized.

400. SARDAR DHIAN SINGH : Are Government aware that the question of stopping the practice of charging "Kauriana" at Kohala had arisen once in the reign of His late Highness Maharaja Pratap Singh Ji Bahadur but the then Hon'ble Members of the Council and Raja Sir Amar Singh Sahib Bahadur, Hon'ble Vice President of the Council and His late Highness Maharaja Pratap Singh Ji Bahadur dropped this matter admitting that this was a recognized privilege of the Rajas of Poonch which was enjoyed by them hereditarily. The Rajas of Poonch had been invariably enjoying this continuous hereditary right without any interference. If the answer be in the affirmative, will it please be stated on what grounds in spite of the fact that the question has been already permanently settled and the question of abolishing the practice of Kauriana has been raised on account of which the financial condition of Poonch is growing weaker and as to why the Raja of Poonch is being deprived of the hereditary right?

(b) As many times in this House the Government had been stating that the matter is under consideration, will it please be stated now as to when will this matter be decided once for all?

WAZIR FERAZ CHAND (On behalf of the Hon'ble Revenue Minister) : The matter is under His Highness' consideration and his decision and the arguments on either side cannot be made public at this stage.

401. SARDAR DHIAN SINGH : Are Poonch Government aware that at the Head Quarters of Tehsil Bagh (where the Sikhs are in

majority) the Sikhs for public welfare had set up a grand Gurdwara, the opening ceremony of which was, by reason of its importance and significance, performed by the Wazir Sahib on behalf of the Shri Raja Sahib Bahadur of Poonch and since then, this is being used for the sake of public welfare, the travellers and the litigants have been saved from innumerable troubles by it? If the answer be in the affirmative, will Poonch Government allot monthly grant from the Dharmarth Department for the necessary expenses etc. in favour of this building which is meant for public use as other religious institutions and buildings for public land as Nautor from some released Rakh thrown open for meeting the expenses of the travellers coming to this Gurdwara?

WAZIR FERROZ CHAND (Wazir Poonch, on behalf of the Hon'ble Revenue Minister) : (a) Yes. Allotment of a Mukarrari from Dharmarth is not possible as good many old Mukarraries have recently been stopped and reduced to balance the Budget. However the question of granting land or Nautor will be considered when application is formally made by the Managing Committee.

402. SARDAR DHIAN SINGH : (a) Is it a fact that during the Great War Poonch surpassed all other Illaqas in supplying recruits?

(b) Is it also a fact that at the close of the war, an assurance was given to recognise the valuable and unique services of Poonch but no due appreciation has been forthcoming so far? If the answer to (a) and (b) be in the affirmative, will Government please move for the due appreciation of the services in this behalf?

WAZIR FERROZ CHAND (Wazir Poonch, on behalf of the Hon'ble Revenue Minister) : (a) and (b) The Praja Sabha Sad is referred to reply to question No. 187 of the last Session.

403. SARDAR DHIAN SINGH : Are Poonch Government aware that in the superior grades of Accounts, Judicial, Reception, Military, Medical and Forest Departments, the Sikhs do not have any representation whatsoever considering the least requisite representation from minority point of view and that in other Departments they do not have generally any proper representation? If the answer be in the affirmative, have Poonch Government taken any steps so far to grant due representation? If not, will early steps be taken to grant proper representation having regard to the assurance given previously and by way of doing justice?

WAZIR FERROZ CHAND (Wazir Poonch, on behalf of the Hon'ble Revenue Minister) : (a) Yes, except the Medical.

(b) The question of giving the Sikh community due representation in the above services will be considered when vacancies occur.

SARDAR DHIAN SINGH : Which post has been given to a Sikh in the Medical Department?

WAZIR FERROZ CHAND (Wazir Poonch, on behalf of the

Hon'ble Revenue Minister) : The Chief Medical Officer is a Sikh.

SARDAR DHIAN SINGH : He is not a Sikh. I ask you again whether he is a Sikh or not?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The reply to your question has been given.

SARDAR DHIAN SINGH : The reply given is wrong. He is not a Sikh.

SUBEDAR KHAN MOHAMMED KHAN : He is a Sikh. While he was in England he got his hair (Kaes) cut.

404. SARDAR DHIAN SINGH : Are Government aware that the Mahaldar of Customs Jammu at Sehra is charging import and export duty contrary to the old established practice from the inhabitants of Poonch? If it is so, is it proper to charge double duty from the people of Poonch against the old established practice, now when His Highness the Maharaja Bahadur has been graciously pleased to grant several concessions of Customs duty in favour of the people of Jammu and Kashmir? If Government is not aware of this fact, will Government please then issue early orders to stop this practice and to refund the sum so far received as duty?

WAZIR FERAZ CHAND (Wazir Poonch, on behalf of the Hon'ble Revenue Minister) : Mahaldar Poonch stationed at Sehra keeps duty in deposit for goods exported from Poonch and refunds the amount when the goods are certified to have been taken out of the State territory to the Punjab. Double duty is not charged at Sehra. The procedure is one and the same every where. Goods imported into and exported from Poonch Jagir are treated just as is the case of goods coming from Punjab for Poonch.

405. SARDAR DHIAN SINGH : Will Poonch Government please state whether at the time of preparing the scheme of constructing motor road of Amar Nath Mandi, the fact that by the construction of the road facilities would be provided to the pilgrims to the Gurdwara and the every day travellers was kept in view? If the answer be in the affirmative, will Poonch Administration side by side with the construction of this motor road by spending several hundred rupees construct another $\frac{3}{4}$ th mile of this motor road in order to link it up with the highly revered Gurdwara? If so, when?

WAZIR FERAZ CHAND (Wazir Poonch, on behalf of the Hon'ble Revenue Minister) : (a) Yes.

(b) The question of the construction of this portion of road will be considered after the main road to Amar Nath is completed.

406. PEER HISAM-UD-DIN (Haveli Mendhar-Poonch : Muslim) : (a) Does not Dharmsal Mendhar deserve to have a High School like Palandri when the former is a Head Quarter of a Tehsil?

(b) If the answer be in the affirmative, when should we expect

that a High School will be opened there?

WAZIR FERAZ CHAND (Wazir Poonch, on behalf of the Hon'ble Revenue Minister) : The Middle School at Dharmsal Mendhar is yet in a preliminary stage and it will take time before it acquires a full standard. The question of opening High School at Dharmsal Mendhar is therefore quite premature.

407. PEER HISAM-UD-DIN : (a) Are Government aware of the fact that the inhabitants of Illaqa Mandi and Suran are quite deprived of education?

(b) If the answer be in the affirmative, will Government please show benevolence by setting up a Middle School at some suitable place in the centre of the Illaqa Mandi and Suran for the welfare of the people?

WAZIR FERAZ CHAND (Wazir Poonch, on behalf of the Hon'ble Revenue Minister) : (a) This is not a fact.

(b) Primary Schools already exist in the Illaqa. The question of starting a Middle School that side can be considered when there is a real need of the same and the finances permit.

408. PEER HISAM-UD-DIN : (a) Has the fact that the poor zamindars of village Dalwat Illaqa Thaktiala, who have privately opened an ordinary Maktab, been brought to the notice of the Government?

(b) If the answer be in the affirmative, will Government by means of starting the school officially encourage the poor zamindars and thus will show love for learning?

WAZIR FERAZ CHAND (Wazir Poonch, on behalf of the Hon'ble Revenue Minister) : (a) Yes.

(b) The Praja Sabha Sad is referred to reply to Q. D. No. 228 (b) of the last session.

409. PEER HISAM-UD-DIN : (a) Will Government please state as to what is the number of the Primary Schools in Poonch and how many of teachers there are trained?

(b) Are Poonch Government prepared to increase the number in view of insufficient number of Primary Schools and enhance the number of the trained teachers? If not, why?

WAZIR FERAZ CHAND (Wazir Poonch, on behalf of the Hon'ble Revenue Minister) : (a) The number of Primary Schools is 107. There are 3 trained and certificated teachers. Majority of the untrained teachers are men of long teaching experience exceeding over twenty years.

(b) The matter will receive consideration when finances permit.

410. PEER HISAM-UD-DIN : (a) Has the fact been brought to the notice of the Government that a majority of the population of Poonch is devoid even of elementary education?

(b) If the answer be in the affirmative, are Poonch Govern-

ment, in view of the important demands of the Gujars and the Jats prepared to introduce the compulsory primary education there?

WAZIR FERAZ CHAND (Wazir Poonch, on behalf of the Hon'ble Revenue Minister) : (a) Yes.

(b) In view of the present financial stringency as well as the condition of this part of the Illaqa, it is not yet possible to enforce compulsory education.

411. PEER HISAM-UD-DIN : (a) Are Poonch Government aware of the fact that a large portion of rural population become victim to different diseases every year?

(b) If the answer to (a) be in the affirmative, are Government prepared to open dispensaries at Mandi, Suran, Sehra, Kohata, Thakyala Padov and Dher Kot dispensaries? If so, when?

WAZIR FERAZ CHAND (Wazir Poonch, on behalf of the Hon'ble Revenue Minister) : (a) The general health of the people of the Poonch Illaqa is satisfactory.

(b) In view of (a) the question does not arise.

PEER HISAM-UD-DIN : What proof is there that the health of the people of Poonch is satisfactory? Do people of Poonch not suffer from any ailment?

NOTE.—No reply was given.

412. PEER HISAM-UD-DIN : (a) Is it a fact that funds have been sanctioned for the construction of bridge at Lachman Pattan?

(b) If the answer be in the affirmative, why the work of construction has not been taken up so far? When the construction of the bridge can be expected?

WAZIR FERAZ CHAND (Wazir Poonch, on behalf of the Hon'ble Revenue Minister) : (a) Yes.

(b) Work in connection with the construction of the bridge has been taken up in hand by the contractor and material is being collected on spot. Construction of piers etc. shall be taken up shortly as soon as sanction to the acquisition of the land is received from the British Government.

413. HAJI AHMEDULLAH SHAHDAD (Tashwan Srinagar City : Muslim) : Is it a fact that (a) a huge majority of Hindu, Muslim and Sikh inhabitants of town Tral and Illaqa Tral made a demand for opening of a High School there ;

(b) and that upto now the officers who had visited and inspected the Tral Middle School have been recommending opening a High School there ;

(c) and that many times demands have been made for a High School through public meetings and through Newspapers? If the answer be in the affirmative, when will the Tral Middle School be raised to High School standard? If not, why?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) Yes.

(b) No.

(c) I have no knowledge of it. Presently the Government is not prepared to open a new High School.

414. HAJI AHMEDULLAH SHAHDAD : Are Government aware that there is no pucca road in the vast area of Tehsil Badgam to facilitate the public traffic? Are Government prepared to construct a pucca road in the central parts of this Tehsil?

(b) Lacs of people are experiencing difficulty in town Cherar-i-Sharif, are Government prepared to construct pucca roads leading to this town?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : (a) The road connecting Badgam, the Head Quarters of the Tehsil, to Srinagar is pacca. Trade and traffic have not yet sufficiently developed in this Tehsil to warrant a heavy outlay on pacca roads. But a number of fair weather roads fit for wheeled traffic are maintained in good condition.

(b) Srinagar-Nagam road is a fair weather road. The extension of this road to Cherar-i-Sharif has already been taken up by the Governor and is being surveyed.

415. HAJI AHMEDULLAH SHAHDAD : Is it a fact that there is a large population in the adjoining Illaqa of Handwara and there is a Niabat, Tehsil, Police Station and Post Office in town Handwara and that in spite of such a population and so many departments there is no hospital? If the answer be in the affirmative, will the Hon'ble Home Minister please give an assurance for opening a hospital on a grand scale in the near future?

THE HON'BLE MR. WAJAHAT HUSSAIN : There is no dispensary at Handwara but the Medical Department is not in favour of opening new dispensaries till the existing dispensaries are brought to the level of upto date institutions and are provided with suitable accommodation. Handwara is served by the neighbouring dispensary at Langet.

416. HAJI AHMEDULLAH SHAHDAD : Are Government aware that there are no arrangements of light and water supply on the roads of Zunimar which is situated within the Municipal limits? Are Government prepared to pay immediate attention to this matter? If so, when and if not, why?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : 29 lamps were given last year to ward No. 8 as per Ward Commissioner's requisition.

The question of providing more lamps will be considered by the Municipality pending supply of Electric connection to this area which lies at a distance from the city. As regards water supply the Public Works Department is again being addressed by the Municipality.

417. HAJI AHMEDULLAH SHAHDAD : Are Government aware that there are no arrangements of light and water supply in the

public Serai at Idgah which was constructed on my proposal? Are Government prepared to make arrangements for light and water supply there? If not, why?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji : Supply of light and water to the Serai is not a Municipal function.

418. HAJI AHMEDULLAH SHAHDAD : Is Hon'ble Finance Minister aware that he stated during the last Jammu Session in reply to question No. 481 Q. D. No. 579, dated 27th March 1936 that in Srinagar city two parks (places of recreation) per ward would be set up to provide comfort to the public and that in the last session in reply to question No. 411 (Q. D. No. 324) it was stated that steps were being taken for acquiring land for this purpose? Will Government please state in which wards parks have been set up, if not, why the matter is kept in abeyance?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji : The attention of the Revenue Department has been drawn to the necessity of early action for acquisition by the Municipality of the land required for setting up parks in other parts of the city.

419. KHAWAJA AKBAR DAR : (a) Does Hon'ble Home Minister know that there is no hospital except a dispensary at Ganderbal in Illaqa Lar, Tehsil Khas?

(b) Is it not a fact that this Illaqa being hilly and extensive, the people cannot benefit from the Ganderbal dispensary?

(c) Do not the Government intend to open a hospital in village Kangan which is in the centre of this hilly Illaqa?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) Yes.

(b) No.

(c) No.

420. KHAWAJA AKBAR DAR (Awantipura : Muslim) : Will the Hon'ble Home Minister please state as to why has not the collection and preservation of the ancient Persian books been included in the duties of the Research Department?

(b) Are not the books of the ancient Persian authors and Khushnavises of Kashmir deserving of preservation and publication?

(c) If the Research Department confines itself to the research of Sanskrit books only why it has been given a name which is so misleading for the public?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) and (b) The Department is the revival of the "Ranvirasaraswata Institute" established in the time of His late Highness Maharaja Ranbir Singh Ji of the blessed memory for printing and publishing rare works in Sanskrit collected and preserved in the Raghunath Temple Library, Jammu.

(c) Member is referred to question No. 876 of the last session.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Have you got a copy of that reply?

THE HON'BLE MR. WAJAHAT HUSSAIN : Yes, you want me to read it.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Yes, give the complete answer.

KHAWAJA GHULAM MOHAMMED SADIQ : Are Government prepared to preserve the Persian and Arabic books also in the same manner?

THE HON'BLE MR. WAJAHAT HUSSAIN : You do not understand my reply. This institute is meant for arranging the printing and publication of those Sanskrit books which were lying in Raghunath Temple Library at Jammu.

KHAWAJA GHULAM MOHAMMED SADIQ : Are Government prepared to take into consideration the case of Persian and Arabic books?

THE HON'BLE MR. WAJAHAT HUSSAIN : Government are prepared to consider not only about Persian and Arabic books but all kinds of books.

421. KHAWAJA AKBAR DAR : Is it a fact that at the time when the employees of the Forest or the Shikargah Departments lodge any case against a person the guard or the watcher becomes prosecutor and the other guard or the watcher appears as witness and thus the accused persons are awarded punishment?

(b) Is it not against justice to give a decision against a person under the circumstances when the employees of the same department appear as prosecutor and as witness?

PANDIT RAM NATH SHARMA (Judicial Secretary, on behalf of the Hon'ble Judicial Minister) : (a) When an employee of the Forest or Shikargah Department lodges a complaint against a person he is a complainant. It depends on the facts whether the witnesses who support the complaint are employees of the department or are independent persons. In most cases independent witnesses come forward to support the complaint.

The complainant is not the prosecutor. The prosecution is conducted either by a Court Sub-Inspector or a Public Prosecutor.

(b) It is for the magistrate hearing the case to decide whether the testimony of the complainant and the witnesses is good enough for the prosecution. The Government has no reason to believe that in so called departmental cases the magistrates are not independent and do not do justice.

422. KHAWAJA AKBAR DAR : Is the Hon'ble Home Minister aware that there is no Girls School in Illaqa Lar between Ganderbal and Sonamarg?

(b) If the answer be in the affirmative, will a Girls School be opened in this Illaqa?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) Yes.

(b) This question will be put before the Education Standing

Committee.

423. KHAWAJA AKBAR DAR : Will the Hon'ble Revenue Minister place the following figures on the table of the House :—

How many guards and how many foresters in the Forest Department of the ten tehsils of Kashmir Valley belong to villages and how many of them are Muslims and how many Sikhs and how many Pandits? The details may please be given?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) :—

Particulars of post.		Muslims.	Sikhs.	Kashmiri. Pandits.	Rajputs.
Foresters	...	13	4	8	1
Forest Guards	...	152	101	67	39

MIRZA M. A. BEG : The first part of the question has not been replied.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The villagers are included.

MIRZA M. A. BEG : What he meant to say is that the number of villagers should be shown separately.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It is an ambiguous question.

424. SHEIKH MOHAMMED AMIN (Jammu City : Muslim) :
(a) Will the Hon'ble Home Minister please state how many prisoners in the Jammu Central Jail are suffering from T. B. and how many of them died on account of this disease? How many prisoners are such who were suffering from this disease and were released?

(b) Will Government please reserve a separate ward for such patients?

THE HON'BLE MR. WAJAHAT HUSSAIN : (i) 11 prisoners in the Jammu Central Jail are at present suffering from Tuberculosis.

(ii) Six died during the past year and one during the present year.

(iii) 15 were released during the past year.

(b) The question of overcrowding and special accommodation for such prisoners is already under consideration. Such prisoners are kept separated from others.

MIAN AHMED YAR : Will it be stated as to what are the reasons

of the spreading of the disease every day? So far we know this epidemic never visited that before this?

THE HON'BLE MR. WAJAHAT HUSSAIN : It is not known.

425. SHEIKH MOHAMMED AMIN : When during the last Srinagar Session Government had sanctioned the appointment of an Advisory Board for Customs, will it please be stated as to why this has not been given effect to and whether it is a fact that the Customs Department is putting obstructions in the way of giving it a practical shape and whether the Government will remove the doubts of the public by giving effect to this as they have admitted in the meeting in the Praja Sabha?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : The formation of a Board has been sanctioned by Government and it will come into existence shortly.

426. SHEIKH MOHAMMED AMIN : The Hon'ble Finance Minister in reply to my question Q. D. No. 851 of the last Srinagar Session stated that he would consult the Canal Department for setting up a garden by the side of Jammu Canal. Will it please be stated whether the Canal Department was consulted as was promised and whether some decision has been arrived at in this matter? Can the public expect the establishment of such a garden this year?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : The site for a park has been selected and correspondence for its acquisition taken up. After possession is taken over the work of laying it out will be started as soon as funds permit.

SHEIKH MOHAMMED AMIN : At what place on the canal will this park be laid out?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : In the small garden of the Irrigation Department situated just near the bridge.

427. SHEIKH MOHAMMED AMIN : The Hon'ble Finance Minister in reply to my question Q. D. No. 841 of the last Srinagar Session stated that the raw rubber is exempt from Customs duty. Is the Hon'ble Minister aware that practically 30 per cent. duty is being charged for raw rubber and whether in such case Government are prepared to refund the duty which has been charged on raw rubber and order the exemption of such raw rubber from Customs duty in future?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : It is a fact that raw rubber is exempt from import duty. For cases, if any, in which Customs duty may have been levied on the article through inadvertence, error or misconstruction, the importer is entitled to claim refund under the rules.

428. SHEIKH MOHAMMED AMIN : (a) Will the Hon'ble Home Minister please state the total number of Overseers and Sub-

overseers of the Public Works Department of the State? What are their names and pays? How many of them are Muslims and what salary do they get? How many of them are non-Muslims and what salary do they get?

(b) If the number of the Muslims is extremely low, will Government please remove the deficiency of the Muslims in this technical line by granting some scholarships for the training of Muslims every year?

THE HON'BLE MR. WAJAHAT HUSSAIN :

OVERSEERS.

Muslims(3).—

	Rate of pay. Rs.
1. Abdul Aziz	... 82
2. B. Ghulam Jilani	... 82
3. B. Barkat Ali	... 82

Non-Muslims.—

1. S. Amar Singh	... 135
2. B. Mehar Singh	... 135
3. B. Durga Parshad	... 135
4. B. Amir Chand	... 123
5. B. Bhagat Ram	... 123
6. B. Nand Singh	... 123
7. B. Benarsi Das	... 96

SUB-OVERSEERS.

Muslims(6).—

1. Ghulam Nabi	... 56
2. Abdul Hamid	... 56
3. Rasul Shah	... 50
4. Abdul Ghani	... 36

Rate of Pay.

Rs.

5. Habibullah

... 36

6. Yakub Khan

... 39

Non-Muslims (70).—

On account of a large number the names cannot be given. However total number together with their grades are given below:—

13 in the grade of 50-5/2-70.

32 „ „ „ 35-5/2-45.

25 „ „ „ 25-5/2-35.

(b) There is no such proposal before the Government.

429. SHEIKH MOHAMMED AMIN : Will Hon'ble Home Minister please state what is the total number of the Chief Medical Officers, Assistant Surgeons and Sub-Assistant Surgeons in the Medical Department? How many of them are Muslims and what salary do they get? How many of them are non-Muslims and what salary do they get?

(b) If there be paucity of Muslims, will Government oblige Muslims by granting scholarships for Medical training?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) The required information is given below :—

Particulars of post.	Total No.	Muslims.	Non-Muslims including Sikhs and Christian.	Total month-ly salary of Muslims.	Total month-ly salary of non-Muslims.
State Surgeon, Chief Medical Officers and other officers of higher status and Lady Superintendents of Zanana Hospital	7	...	7	.....	5,050
Assistant Surgeons	23	6	17	1,680	4,715
Sub-Assistant Surgeons.	95	8	87	655	8,957

(b) A sufficient number of Muslims is getting Medical training and a number of them is receiving scholarships.

430. SARDAR DHIAN SINGH (Mirpur-Poonch :Sikh) : Is it a fact that there is no middle school in Hull Town or Mirpur and that the boys of that place are not able to receive education owing to there being no middle school nearby? If the answer be in the affirmative, are Government prepared to open a middle school at Hull? If not, reasons therefor may please be stated?

THE HON'BLE MR. WAJAHAT HUSSAIN : Yes, no middle school has been opened at Hull this year, because there was greater necessity at other places.

SARDAR DHIAN SINGH : Will the school be opened next year?

THE HON'BLE MR. WAJAHAT HUSSAIN : No, it will be considered by the Standing Committee.

431. SARDAR DHIAN SINGH : Is it a fact that the tonga road from Chowmukh to Hull is under the Forest Department and is in a very wretched condition? If it is so, will Government please transfer this road from the Forest Department to Public Works Department? If not, why?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : 1st part.—Yes.

2nd part.—No.

3rd part.—Does not arise.

SARDAR DHIAN SINGH : It is found that the road is bad and thus there is great difficulty in coming and going.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You should not express your personal opinion but rather you should ask a question.

432. SARDAR DHIAN SINGH : (a) Are Government aware that before the construction of bridge at Ban, the lorries from Mirpur and Poonch crossed at Dharamsal Jangarh?

(b) Is it a fact that the lorries starting from Dharamsal Jangarh used to reach Poonch at nine or ten o'clock in the night on account of which, besides danger of life on account of which the public had to undergo great difficulty besides danger to life? If the answer be in the affirmative, will the Government consider the question of shifting the cross of lorries from Dharamsal Jangarh to Khuiratta, the middling station, in view of the fact that the bridge at Ban has been since constructed?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) Yes.

(b) It is not known what time lorries used to reach Poonch, but owing to the delay experienced at the Customs Post at Sehra it is probable that lorries do not reach Poonch before nightfall. The proposal however to shift the crossing place for lorries from Dharamsal Jangarh to Khuiratta would not affect the situation.

SARDAR DHIAN SINGH : Will it be stated as to what is the

distance between Poonch and Dharamsal Jangarh?

THE HON'BLE MR. WAJAHAT HUSSAIN : I do not remember it now.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The question was whether the distance can be shortened by shifting the cross of the lorries to the middle station.

THE HON'BLE MR. WAJAHAT HUSSAIN : But the reply is that the delay is caused owing to the fact that they have to stop at Customs Post Sehra, and therefore they cannot get into Poonch earlier.

SARDAR DHIAN SINGH : Sir, my submission was that the cross should be shifted to the middle station. At present the cross is at a distance of 33 miles and Khuiratta is at a distance of 37 miles. The lorries of Poonch are not stopped at Sehra.

THE HON'BLE MR. WAJAHAT HUSSAIN : The lorries are not stopped at Dharamsal Jangarh.

LALA RAM LAL : The lorries start at 8 o'clock and they reach Dharamsal Jangarh at 10 o'clock that is they reach Jangarh in two hours. Therefore had there been a station at Khuiratta it would have been better.

THE HON'BLE MR. WAJAHAT HUSSAIN : It is known that Khuiratta is not in Mirpur.

LALA RAM LAL : I know that Khuiratta is in Poonch, but when the lorries reach half way why should they not be stopped there.

THE HON'BLE MR. WAJAHAT HUSSAIN : The matter will be enquired again.

433. SARDAR DHIAN SINGH : Is it a fact that between Poonch and Mirpur, there is only one Telegraph Office at Kotli? If the answer be in the affirmative, it may please be stated as to how the information may, if the motor or lorry accident takes place between Mirpur and Kotli, be conveyed in time to the concerned or the Police? Are Government prepared to open a telegraph office on the road on the Khuiratta or Dharamsal Jangarh? If not, why?

THE HON'BLE MR. WAJAHAT HUSSAIN : There is a proposal to join Kotli and Nowshera. The Telegraph line will pass through Khuiratta and Dharamsal Jangarh.

434. SARDAR DHIAN SINGH : Is it a fact that the Poonch Administration got Hindus and Muslims trained in foreign countries on State expenses and that upto now not even one Sikh has been deputed for such training?

(b) Is it also a fact that Sardar Amar Singh who is at present the only Law Graduate in Poonch had submitted an application for being sent out to qualify for bar?

If the answer to (a) and (b) be in the affirmative, will Poonch Government now depute Sardar Amar Singh for the training as requested by him? If not, why?

WAZIR FERROZ CHAND (Wazir Poonch, on behalf of the Hon'ble Revenue Minister) : (a) Doctor Ram Singh a Sikh was deputed to England for higher education in medicine.

(b) Yes.

(c) The question of deputation of any person to England for training in Law cannot be considered as the Administration does not stand in need of a man with such qualifications.

435. PEER HISAM-UD-DIN (Haveli Mendhar-Poonch : Muslim) : (a) Will Poonch Government please supply figures as to how many lives were lost during the last five years on account of there being no strong bridge on rivers Batiyar and Chak-Katroh?

(b) Are Government prepared to construct strong bridges over these two Nullahs at an early date so that the public and their cattle and beasts of burden may pass over conveniently and without fear of danger?

WAZIR FERROZ CHAND (Wazir Poonch, on behalf of the Hon'ble Revenue Minister) : (a) Lives lost in Nullahs Baitan and Chak-Katroh during the last five years are 12 and 2 respectively.

(b) Bridges have been constructed over both the Nullahs.

436. PEER HISAM-UD-DIN : (a) Will Poonch Government please state whether any arrangements have been made in Poonch for female education?

(b) If the answer be in the negative, are Government prepared to open one Girls Middle School in Poonch within one year?

WAZIR FERROZ CHAND (Wazir Poonch, on behalf of the Hon'ble Revenue Minister) : (a) Grants-in-aid are paid by the Administration to the Hindu, Muslim and Sikh communities for female education, and Girls Schools of the communities do exist.

(b) The question of opening an Illaqa Girls School is under consideration.

Information promised in reply to question serial No. 142 asked on 7th October 1936 by :—

437. MOULVI MOHAMMED ABDULLA : (a) Is it a fact that for the well-being of the peasantry the Panchayat system and the rural reconstruction scheme have been regarded as useful, as such a system prevails in British India and the Baroda and Mysore States?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : The following proposals have been made by the Panchayat Officer which are receiving consideration :—

1. A proposal to co-ordinate all the beneficent Departments.
2. A proposal for training one of the Rural Assistants in the art of bee-keeping.
3. A proposal to create the post of a Superintendent with necessary staff.

4. A proposal for establishing two Rural Reconstruction Centres in the State with necessary requirements.

The experiments so far tried have proved successful.

MOULVI MOHAMMED ABDULLA : I have not got a reply to this question as to what expenditure has up to the present date been incurred on this department for the purpose of training?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : (To the Hon'ble Revenue Minister) Yes. How much money has been spent on training etc.?

THE HON'BLE MR. K. N. KNOX : I am sorry, Sir. I did not find it.

Information promised in reply to question serial No. 187 asked on 7th October 1936 by :—

438. PANDIT GOBIND RAM KABU (Kashmir : Hindu) : (a) Will Government please state whether it is a fact that in the year 1986 the Illaqa of Mawar, Handwara Tehsil, experienced a huge flood and the village of Drungso suffered heavy loss by being washed away?

(b) Is it true that the Government had sanctioned some relief to the victims? If so, what was the compensation and how was it distributed? Is it true that some of the victims have not yet received the full amount of the relief? If so, what are the reasons?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : Rs. 200 were sanctioned as relief.

PANDIT GOBIND RAM KABU : What I asked in my question was, "Is it true that Government had sanctioned some relief to the victims? If so, what was the compensation and how was it distributed? Is it true that some of the victims have not even as yet received the full amount of the relief"?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : There is no reply to that. Will you supply it later on?

THE HON'BLE MR. K. N. KNOX : Yes, later on, Sir.

PANDIT GOBIND RAM KABU : Sir, this question was asked by me even in the last session.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It will be replied to you later on.

Information promised in reply to question serial No. 449 asked on 19th October 1936 by :—

439. MIRZA M. A. BEG : At what place annual meetings were held for distributing the forest trees among the zamindars in compliance with the Glancy Commission recommendation? How many trees were granted to each zamindar and at which places?

A detailed statement, showing these figures for each of the last three years separately may please be supplied?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : Enquiry made from the Forest Department

shows that the following trees were granted to zamindars in the Kashmir Division during the period 1988-89 to 1992-93 :—

Year.	No. of trees.
1. Fasli year 1988-89	... 6,263
2. " " 1989-90	... 21,194
3. " " 1990-91	... 2,175
4. " " 1991-92	... 2,444
5. " " 1992-93	... 1,429

MIRZA M. A. BEG : I asked where were the annual meetings held? A portion of my question remains unanswered with regard to annual meetings.

NOTE.—The member read the first part of his question.

THE HON'BLE MR. K. N. KNOX : I will find out that, Sir.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : (To Mirza M. A. Beg) He will find out.

MIRZA M. A. BEG : Thank you.

Information promised in reply to question serial No. 581 asked on 21st October 1936 by :—

440. LALA HANS RAJ : (a) Will the Government please state whether the post of Lala Hira Nand, Mulberry Inspector, was brought under reduction on the report of the Commission in the month of Maghar 1989 and that his period of service was 23 years?

(b) Was the Commission empowered to reduce an experienced Government servant?

(c) Is it a fact that after one year Pandit Shri Dhar Badam was appointed to the retrenched post? If the reply to (c) be in the affirmative, will Government please state as to why Hira Nand was prematurely discharged?

(d) Is there any practice of pension or gratuity in this department? If the answer be in the affirmative, why Hira Nand has been deprived of it upto this time?

(e) Is it also a fact that even his travelling allowance bills have not been paid upto this time? If the bills have not been paid what are the reasons for it?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : It is not a fact that Pandit Shri Dhar was appointed on the retrenched post of Lala Hira Nand. It is how-

ever intimated for the information of the Praja Sabha Sad that Pandit Shri Dhar Badam was appointed in the vacancy caused by the discharge of Pandit Datta Kishen Kichlu.

1st part.—Sometimes.

2nd part.—Lala Hira Nand was on the Mulberry Staff and was not eligible.

LALA HANS RAJ : I would read out the question and the reply thereto before the House and you will Sir come to know how far the question is right and how far the reply thereto is correct.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : What do you want to ask? You may ask it again.

LALA HANS RAJ : No reply has been given to this question. I asked many things, but only one has been replied to and the rest have been left out.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : (Addressing the Hon'ble Revenue Minister) I have been noticing that these old questions have not been dealt with properly by the Department and they are not definitely answered. Questions Nos. 437, 438, 439 and 440 have all not been properly dealt with.

THE HON'BLE MR. K. N. KNOX : I will find out later on. I remember full details were given in the draft answers but I think some mistake has been made in typing or some where else.

THE HON'BLE MR. WAJAHAT HUSSAIN : There is some mistake in writing. It will be supplied later on.

441. AGA SYED HUSSAIN JALALI : (a) Is it a fact that the contract of Government auction for Srinagar has been granted to Messrs Pestonji and Co. and that for Jammu it has been granted to Sardar Ganda Singh?

(b) Has the monopoly of the Government auction been granted in favour of these two firms only, from years together?

(c) Are tenders for the contract of auction invited every year?

(d) If the answer to part (c) be in the affirmative, it may please be stated as to why contract is not granted to the lowest tenderer and does not the inviting of tenders in this way amount to a mere show and is not this practice against the orders of the Government?

(e) Will a statement be placed on the table of the House showing the amount of commission granted during the last ten years?

(f) Will Government please state as to what loss has been suffered by them in paying the additional amount by not granting the contract in favour of the lowest tenderer?

(g) Will this year's contract be granted in favour of the lowest tenderer? If not, why?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : Messrs Pestonjee and Co. auctioners for Kashmir have earned Rs. 4,492 as commission for the last 3 years and Sardar Ganda Singh auctioners of Jammu Rs. 2,438.

AGA SAYED HUSSAIN JALALI : The question has not been answered fully. Reply to parts (c) and (d) has not been given.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I think there are several portions of the question and only one has been answered. I suppose a complete answer shall be given sometimes.

THE HON'BLE MR. K. N. KNOX : Yes, Sir.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : On the 7th April it was stated in reply to question No. 187 that it will be replied later on, therefore that reply will be read out now on behalf of the Hon'ble Revenue Minister.

COLONEL BALDEV SINGH PATHANIA : The hon'ble member is absent, Sir.

MIRZA M. A. BEG : Another gentleman can stand for him.

LALA HANS RAJ : Lala Hans Raj stood up and said, "Can I hear your reply"?

VOICES : Yes, yes.

NOTE. Colonel Baldev Singh Pathania read out the answer.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Next item of the business for to-day is that the Hon'ble Home Minister will present the Select Committee's report on the Identification of Prisoner's Bill, and move that the bill as reported by the Select Committee be taken into consideration.

THE HON'BLE MR. WAJAHAT HUSSAIN : Sir, I submit that the Identification of Prisoner's Bill as reported by the Select Committee be taken into consideration.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The proposal of the Hon'ble Home Minister is that the Select Committee's report on the Identification of Prisoner's Bill has been presented by him and the bill as reported by the Select Committee be taken into consideration. If the House be of opinion that it should be taken into consideration, they will kindly raise their hands.

SARDAR KANHAYA SINGH : Sir, I have moved an amendment to it.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : That will be taken afterwards. Please wait a bit. Gentlemen : You should first consider the report of the Select Committee. If you have no objection please raise your hands as to whether the bill be taken into consideration or not. After that the amendment will be taken. And when the amendments have been passed or rejected, then there will be a motion that the bill as amended or otherwise be passed.

LALA HANS RAJ : Sir, I have not followed anything.

MIAN AHMED YAK : Because the bill affects the general public, therefore I move that this bill be circulated for eliciting opinion under rule 61 (2).

THE HON'BLE MR. WAJAHAT HUSSAIN : How can that be possible now, Sir? It has come back from the Select Committee.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Does anybody support Mian Ahmed Yar?

MIRZA M. A. BEG : I support him, Sir.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : As there has been no speech regarding it.....

MIAN AHMED YAR : Sir, I want to speak about the motion.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : All right.

MIAN AHMED YAR : The civilized Governments consider the principles of legislation as a protection for the freedom of body, soul and speech. This bill puts a great restriction on the freedom of the public, because a person who has not yet been convicted will also have, under this Regulation, to submit his photograph. This is not at all desirable to take any such step against the rules of the League of Nations whereby unnecessary restrictions are placed on the public freedom, when such a step is contrary to the principles. There does not exist any terrorist movement in the State nor is there any gang of those who make bombs. If peace-loving public raises any voice with good intentions there is no need of passing such law, because this will mean an interference in their right of freedom. Therefore it is necessary that this bill should be circulated for eliciting public opinion.

This is a vast country covering an area of 84 thousand square miles and is inhabited by lacs of people. Therefore, this law should first be circulated and it should be seen whether it does not affect the freedom to which the public are rightfully entitled.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Somebody else is going to speak.

COLONEL ABDUR RAHMAN : I support this amendment.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It is not an amendment. It is a motion.

COLONEL ABDUR RAHMAN : I want to ask some questions about this motion and before that I think it necessary to submit that this law is not yet in force in the State and it should not be passed in the interests of the State. This law was enforced by the Punjab Government for the Kalandars, Loomars, Sansis and Madaris because they have been declared to be criminal tribes. They steal away children. It has recently been traced and proved by the Punjab Police that they steal away the children of the people. This is simply an instance. A suit regarding this also has been filed before the Punjab Government. These tribes number 7 to 8 thousands, out of which none has ever been convicted. Following the instance of the Punjab Government, a similar case has been filed in the court of the Governor of Jammu to the effect that a member

of this tribe has committed such a crime. The Police of Jammu is trying to have his photograph. This means that if there is a plague in Bombay or Karachi, it affects Jammu and Kashmir also.

PANDIT LOK NATH SHARMA : It does affect.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : It does happen.

COLONEL ABDUR RAHMAN : I am not addressing you, but I am submitting before the Chair.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : I, too, am not speaking to you but am addressing the Chair.

COLONEL ABDUR RAHMAN : Therefore I submit that this bill be circulated for public opinion lest some evil effect should result afterwards. While concluding my speech I submit that this bill must be circulated for public opinion.

SARDAR DHIAN SINGH : The making of such law will give more powers to the Police which will mean a great calamity upon the public. For instance I submit that many such cases have come to light wherein the Police stated that a certain person was murdered. The dead body of the murdered and the murderer too was produced. The weapons used for committing murder and the blood-stained clothes were also produced and it was stated that the murder took place in our presence and that the accused confesses his guilt. This case was brought before a court, evidence was recorded and it was proved that the alleged person was the murderer. The statement of the accused was recorded. He confessed his guilt out of fear from the Police and the court sentenced him to death. But at the time when he was to be hanged drew near, the person who was stated to have been murdered presented himself and says that he is living and thus the person who was declared by the Police to be dead was found to be alive and all that was proved to be false. When things like this are done by the Police then all sorts of atrocities can be expected at their hands. They will even lay hands on the freedom of an innocent person. You may imagine yourself how dangerous this section is? The Police gets the thumb impression and photographs of all those persons who are challaned in the courts and thus arrest even an innocent person. What a bad scene it is and what an evil effect will it produce in the country. Therefore my submission is that it should be circulated before its enactment and it must not be passed. It is not such a law that it should be enforced immediately.

PANDIT JIA LAL KILAM : Since I was a member of the Select Committee therefore I think it necessary to say something. Those of us who raise an objection that the Police should have no right to get the photograph of a person, I fail to understand where lies the trouble in it. For instance if an offender comes from Bombay and commits a murder here, then how can we ascertain as to whether

he is an offender or a gentleman unless we possess his photograph. God has not given clear visions to the Police to enable them to hold an enquiry in utter darkness. The procedure to be followed by human beings is that in order to find out anybody's antecedents, his photograph must be taken, otherwise it is not possible that a villain who has been arrested at Jammu could be taken to Calcutta, Bombay and Madras and indentified. In all the countries where these villains and highwaymen are met with, it is found that they commit many murders. When the Police has a right to arrest them, they must have a right to get their photograph so that they may have facilities in investigation. It seems that my learned friend has not read this resolution.

KHAWAJA GHULAM MOHAMMED SADIQ : I think the hon'ble member has not carefully read it himself.

PANDIT JIA LAL KILAM : I think you have not read it yourself.

KHAWAJA GHULAM MOHAMMED SADIQ : Read section 4, Sir.

PANDIT JIA LAL KILAM : I have read it and can teach you, Sir. My learned friend must know that the Police has got the thumb impression of every offender. If this practice does not exist in British India, at least in Kashmir it does exist. All the people belonging to the criminal tribes of the world are cleverer than ourselves. When they commit any offence, they are fully aware of its consequences. It is an impossibility even for the detectives to trace them out and there is nothing strange in it unless the taking of their photographs is permitted. Moreover it has been stated that the Police should be authorized to take thumb impression and to use force. When an accused person is under the Police custody, he is given severe beating but when the case is heard by a Court of Law, it is found that he denied his guilt there and stated that he previously confessed his guilt because the Police had adopted coercive measures. Regarding this fact an amendment was moved that the Police itself should not have any right to take photograph and the same fact was admitted not only by the Hon'ble President but by the Inspector General of Police as well who said that whenever the Police may require to have a photograph or thumb impression of a person, they should do that with the permission of a Magistrate and when the permission of a Magistrate has to be sought then there is nothing to give rise to any misapprehension. And in spite of all this you insist on this point, in that case it means that you have no confidence in a Magistrate.

MOULVI MOHAMMED ABDULLA : We have confidence in the Magistrates.

PANDIT JIA LAL KILAM : A Magistrate is a legal person and it is after due deliberation that he permits the Police to do such a thing and at such times he makes use of law. Undoubtedly, un-

restricted powers should not be given to the Police but at least they should be authorized to get thumb impression and photograph. In so doing there is a safe-guard that the Magistrate can interfere whenever he likes and can check the Police. Therefore there is no need of circulating it for eliciting public opinion. (Cheers)

PANDIT RAM CHANDRA DOBEY : My submission is only this as to why bill has been introduced on behalf of the Government? A Select Committee was formed which duly considered this bill and now there is no need for the members of the Committee to express any opinion or give details in the Praja Sabha. The fact is that in the first instance the House wants to examine every clause thereof and then afterwards to be in perfect agreement with the Select Committee. Undoubtedly the House wants to co-operate with it and therefore the Government should not hesitate to send this bill to the different societies. Therefore it should be circulated for public opinion. There is no need of going into details.

SARDAR KANHAYA SINGH : I would say something regarding what has been stated by Pandit Sahib about sending it to the Select Committee. It is true that photographs can be taken with the permission of the Magistrate but it is not mentioned whether the photograph to be taken in the presence of Magistrate or not.

PANDIT AMAR NATH KAK : That is an amendment to this resolution. Unless it is duly considered the bill is required to be circulated for eliciting public opinion.

WAZIR GANGA RAM : I too was a member of the Select Committee. The Select Committee adequately considered it. The Inspector General of Police was also one of the members of this Committee. Such a law is enforced in the Punjab also.

THE HON'BLE MR. WAJAHAT HUSSAIN : Hear, hear.

WAZIR GANGA RAM : The proposal of taking photograph with the permission of the Magistrate was sympathetically considered by the President and the Inspector General of Police. My esteemed friend has stated that if an epidemic spreads in Bombay, it affects Jammu also. In this connection I submit that in my childhood I used to hear that epidemic has broken out at Bombay with the result that there have been cases of this disease in other parts of India and even in Jammu.

In my opinion it should again be sent to the Select Committee and I am opposed to its being circulated for eliciting public opinion.

MR. M. A. BEG : Sir, Pandit Ram Chandra Dobey has stated in his speech that there is no need of entering into details and that the object of the Select Committee which has been appointed by the Government is that this law is much needed in the State and therefore it is required to be circulated for eliciting public opinion. The question is whether this law after being passed in British India was enforced there or not, whether the conditions prevailing

in British India are applicable here or not and whether this law should be circulated for public opinion or not? If this law is necessary for this country and if the people want that it should be enforced here and if the majority is in its favour, then we have no objection. Mr. Kilam has said that we cannot identify an offender who comes here from the Punjab or other parts of British India.

With these difficulties in view there was the necessity of enforcing this law in the State. In this connection I would submit that a Sadhu from British India came in the State and the necessity of passing the Criminal Law Amendment Bill was felt then.

PANDIT LOK NATH SHARMA : Irrelevant.

MR. M. A. BEG : It means that a big giant does not kill a mosquito. Mr. Kilam has stated that we have proved to be peace breakers and over sensitive and I think it is absolutely wrong to say this because at this time the question involved is not above the merits of the law. For this law the Government should also be consulted. These are the days of democracy and there is no reason why the public opinion should not be considered necessary. The Government should not feel alarmed at the proposal of eliciting public opinion and for this they should not offer opposition.

THE HON'BLE MR. WAJAHAT HUSSAIN : Sir, now we should not remain silent.

LALA HANS RAJ (Stands up to speak and Hon'ble the Home Minister says) : All right Lala Hans Raj will speak first.

LALA HANS RAJ : Sir, I want to say something.

Sir, after hearing all the facts, your honour has to decide whether this bill should be circulated for public opinion or not. Whatever has been stated by my friend Mr. Beg is quite correct and there is absolutely no harm in eliciting public opinion. The eliciting of public opinion will not materially affect it. Can it not be passed by taking the public opinion? The Government can make law at all times. It is necessary that every thing about this law must be explained to the public. Unless the people know it, how are they to understand what is going on around them? Therefore it is necessary to take the opinion of the public.

THE HON'BLE MR. WAJAHAT HUSSAIN : Sir, I did not think that this bill will take so much time. My esteemed friend Lala Hans Raj has stated in support of Mr. M. A. Beg that he too requests that the bill should be circulated for public opinion. My friend Lala Hans Raj is a simple-minded person and thus he cannot understand what they really mean by this. They do not mean simply to ask the opinion of the public, but their intention is that this bill may not at all be passed. Lala Sahib is a simple-minded person and he does not know what has been said by Mian Ahmed Yar.

MOULVI MOHAMMED ABDULLA : He (Lala Hans Raj) is not a

simple-minded person.

THE HON'BLE MR. WAJAHAT HUSSAIN : Moulvi Sahib too is a simple-minded person.

MOULVI MOHAMMED ABDULLA : I am not a simple-minded person. A simple-minded person means an ignorant person.

THE HON'BLE MR. WAJAHAT HUSSAIN : On these grounds did Lala Sahib state in support of amendment that this bill be circulated for public opinion. I say it again that the intention of those whom Lala Sahib has supported is that this bill may not be passed at all. Those of my friends who have passed examinations in Law must be knowing that this law is in force in British India (civilized world, as it is referred to in Praja Sabha). Since 1920 this law was never in force in this State, yet in spite of that action was taken accordingly, and the offenders were photographed.

We are trying to make this State more civilized by framing and enforcing laws. I think now it is a civilized State. Although the law has not been passed yet, the action is being taken accordingly. This law must be passed now and action taken in accordance with that. This law is in force in British India since 1920 that is it is in force for the last 17 years. We thought that here also it should be enforced like the civilized world. This question referred to what is and what is not civilized. The second question pertains to the aims and objects of this bill.

Sir, my submission is that when I was listening to these discussions I was reminded of an incident that took place 16 years ago. At that time I was young and simple-minded but not like Lala Hans Raj. I was a Magistrate of a Court in Central India. One day when I was sitting in the Court room, two gentlemen with a Sherwain and fez and polished boots on came to me in the Court room and sent their visiting cards to me. My house was very near and simple-minded as I was, I asked my servant to take those gentlemen to my drawing room and seat them there. Because I had entered Government service only recently, therefore I was poor and my drawing room did not contain any valuable articles. Both of these gentlemen were seated there. They made a survey of the whole room with searching eyes. When I met them, it struck me that they were really suspects. I informed the Police and action was taken against them under section 109 and they were taken into the custody of the Police. After fifteen days I was informed that both of them had been previously convicted under section 16 and section 12 respectively and they made friends with each other in the Bombay Jail. Sir, by passing this law, it is not intended to trouble the gentlemen and to take every body's photograph without any purpose. If any body photographs me, I will feel much pleased. I am sorry to say that whatever has been stated by Sardar Dhian Singh shows that he has not studied this bill. Had he read

it he would have found that it contained some important sections, namely sections 3, 4, and 5. A close examination of section 3 will show that the Police is not allowed to take a photograph and thumb impression of anybody they like. The wording of the section are :—

(Read out section 3)

The photograph and thumb impression of a person who has previously been convicted can be taken.

Section 4 provides :—

That is action will be taken against those who have been in the custody of the Police. It does not mean that if some members of the Praja Sabha sitting over there, are seen walking outside, they will be photographed by the Police at once. Thus it is clear that the Police has a right to take photograph of a person who has previously been convicted or is under the custody of the Police.

Section 5 provides that Police has not right to take without the previous permission of a first class Magistrate photograph or thumb impression of those who have not been convicted or who are not under the custody of the Police.

I hope that Sardar Dhian Singh will now agree with me and that there is nothing cruel in it as he has stated before.

SARDAR DHIAN SINGH : It is not necessary that all those who are arrested may be punished.

MR. LOK NATH SHARMA : Second proviso is clear, Sir.

THE HON'BLE MR. WAJAHAT HUSSAIN : (Read out the 2nd proviso) Unless there is a charge against a person, he cannot be taken in custody and a Magistrate is authorized to take a person in custody.

KHAWAJA GHULAM MOHAMMED SADIQ : This proviso does not govern section 4.

THE HON'BLE MR. WAJAHAT HUSSAIN : Sir, no one can be taken into custody unless there is some charge against him. If my friends would have read section 7, they would find in it that if a charge is not proved, against a person, the photograph will be destroyed. Now the second point that has been raised is that these are the times of democracy, therefore there is no harm in circulating this bill for eliciting public opinion. After this Pandit Ram Chandra Dobey has remarked that no opportunity has been afforded to the members of the Praja Sabha for expressing their opinion on this bill. But, Sir, it is not known how the legislative work is to be carried on. The Select Committee which was appointed consisted of the members of this Praja Sabha and those were appointed with the approval of the leaders. If the Muslim Conference Party opposes it, they are justified in so doing because they had resigned. (Laughter)

MR. M. A. BEG : It is not at all on this ground that we are

opposing it.

THE HON'BLE MR. WAJAHAT HUSSAIN : Mr. Dobey has stated something. He is the leader of the liberal group and he had proposed Wazir Ganga Ram's name for the Select Committee. He, at least out of courtesy, should not have stood up and opposed it when Wazir Ganga Ram who was nominated by him was in the Select Committee. It was a different thing if he had voted against it.

MOULVI MOHAMMED ABDULLA : I too am gradually being impressed by your honour's arguments.

THE HON'BLE MR. WAJAHAT HUSSAIN : Here the situation is that the elected members want that this bill should be circulated for public opinion and say that they do not represent the public, on the other hand it is stated that they are the representatives of the public. The Select Committee contained a large number of elected members, therefore there is no necessity of circulating it for the public opinion. Lala Hans Raj should not act as a simple-minded person in this matter. The Conference Party wants that a new Select Committee may be appointed so that they may also be taken as members therein. (Laughter)

PANDIT AMAR NATH KAK : Hon'ble President ! Whatever has to be said in favour of or against it has been stated but I want to submit one thing which is based on my personal experience. From the time I began to practice as a lawyer.....

MR. M. A. BEG : Point of order, Sir. Under what rule is he speaking ; we are not dealing with the bill.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : What rule has been offended ? He is entitled to speak at the beginning and at the end.

PANDIT AMAR NATH KAK : During this period of 20 or 21 years, I have observed that when the Police arrest anybody, immediately after that the "search slips" are prepared. The thumb impression is taken and is sent to Phillour. It is done in order to know whether he is a previous convict or not. The Police then after completing its report sends the case to a special Magistrate. If the conviction is proved then the Magistrate sentences him to a suitable punishment. The same rule is followed for conviction because in whatever Jail he is sent, his finger prints are taken which are kept on record in the Department. If he is convicted for a second time, it is produced at that time. The previous convict under section 110 is produced after arrest during the investigation of any case. This thumb impression is with them and this is what is being done at present. All this is maintained in the form of log book. The objection that can be raised at the utmost is section 4 and 5 is this that he ought to have been convicted first and he is not arrested before investigation. In another case then

section 5 will also not apply. When there is such a provision in my opinion, there is no need of being "sensitive". It means to bind down the convict. The thumb impression is taken at present also and a record of the convicts is maintained. No body has so far protested against this. Now it is being protested. It is a useful provision and should be passed. There will be no use of sending the bill for public opinion except unnecessary delay.

MIAN AHMED YAR : The object of every legislation is that in addition to keeping a particular object in view the policy of the Government should also be declared. This enactment which is being proposed, already exists in Police Regulation of the State. The Police Act is in accordance therewith and when according to these rules the Police have powers to do so and when these are already enforced. It appears therefore that the bringing of this bill is prompted by a particular policy on the part of the Government. Otherwise there is no need for as at present, rather it imposes restrictions upon the liberty of the public. In reality this law aims at depriving the people of their freedom. It is done contrary to the policy of laissez-faire, which the advanced countries have adopted.

Whatever has been said in speeches in this connection is that sections provided in this bill are not very harmful as has been stated by the Hon'ble Home Minister. But I would submit that they are in fact harmful. To pass this law is detrimental from two points of view. Firstly that it will have a bad effect on the country. Secondly that the public opinion is disregarded. It was said that it is the tactic on the part of the Politicians to ask for its being circulated for the public opinion. But I assure you that it is not so. It has never been the intention of the Muslim Conference that laws which the public wants may not be passed. The Police should of course have powers to check crimes. Every peaceful citizen will assist and co-operate with the Police in this matter. It is not only the cities but villages also to which this law applies. Therefore it should be circulated for public opinion.

It was said that we are sensitive, because we demand that it should be circulated for public opinion. The fact is that it will affect the general public. For this reason the public opinion can be set aside. Mr. Kilam said that we are sensitive. In reality, he himself is a sensitive, because he is afraid of its being circulated for public opinion. It is indeed, improper to pass a law without having known the public opinion. It is said that in British India which is presumed to be a civilized Government this law was introduced in 1920. The words "civilized Government" which has been used mean the best form of Government. Europe is civilized in this sense. Our Maharaja Bahadur visited Europe and especially at the time when in the State the Political movement was not in its full

swing and the people did not know anything about politics, he observed the best form of Government there and added to his experience and availed of it. He introduced many reforms in the administration. Before his accession to the throne, he in the position of the Senior Member endeavoured to carry on the State Government on the principles of advanced countries and appointed a Council of Ministers as he thought it best to govern through them. Being conscious of the needs of the people, he took another step *i. e.* constituted the Praja Sabha and admitted that the Democracy is the best thing. Though some obstacles were laid in the way of reform and the constitution was defective, yet people were associated in matters of administration and legislation.....

PANDIT JIA LAL KILAM : Point of order, Sir. I submit that time and again there occurs reference to His Highness in this House. I believe that under section 7 of Regulation No. 1 of 1991, and also rule No. 12 of the Rules of Business and Procedure no reference can be made to His Highness in this House.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It does not reflect upon His Highness the Maharaja Bahadur. One can praise him.

THE HON'BLE MR. WAJAHAT HUSSAIN : There is no point in it.

SHEIKH ABDUL HAMID : The aim of Mr. Kilam's objection in other words is that no resolution of congratulation to Maharaja Bahadur can be moved in this House.

MIAN AHMED YAR : I was saying that our Maharaja Bahadur availed of from the experience of advanced countries. Therefore the example of those countries is more weighty than that of India. In advanced countries the public opinion is held in great esteem. The public opinion is fully not represented in this House. The public representatives sitting here are in minority *i. e.*, out of total of 75, they are only 33. For these reasons it is necessary to circulate it for public opinion.

THE HON'BLE MR. WAJAHAT HUSSAIN : The first time that we have to say is that the Government is against it. Two things have been pointed out in this connection. The first is that this House consists of the elected members entirely and therefore it was not necessary to have the bill circulated for public opinion. We know that the members in fact do not represent the public opinion satisfactorily and that they are not strong enough for this purpose and new men should take their place. Secondly it is objected that we call Lala Sahib "a simple-minded politician". By politician I mean parliamentarian. As Lala Sahib is newly come, so he is not yet a parliamentarian. To demand for the circulation of bill is dilatory tactics. Their ultimate aim is that the bill should not be passed. Thirdly Mian Sahib remarked that we are afraid of

circulating this bill. According to this law, the thumb impressions or photograph of the gentle fold will not be taken. Even at present, the Police takes the thumb impression and photograph but.....

As this arrangement was not satisfactory, so the enactment of such a law was needed as my learned friend, Pandit Jia Lal Kilam has stated, this new law which is being enacted is the true copy of the British India Act. Moreover, we have added such a new thing to it which is not to be found in the British India Act, that is that Police cannot proceed under this law unless they have obtained permission of a Magistrate.

Sir, these are the reasons for which we oppose.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Identification of Prisoner's Bill : The motion that the Select Committee Report has been presented and the bill be now taken into consideration has been carried out unanimously.

Now as against this Mian Ahmed Yar has moved that the bill should first be circulated for eliciting public opinion. Now we have to inquire whether that bill which has been duly considered by the Select Committee be again circulated for public opinion or not?

Gentlemen who are in favour of this amendment that is who intend that the bill should not be taken into consideration but should be circulated for public opinion should please raise their hands. (Hands were raised)

Now those who intend that the bill be taken into consideration should please raise their hands. (Hands were raised)

30 members voted in favour of the amendment and 37 against it. Therefore the bill be taken into consideration. (Cheers)

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Will you please move your amendment?

SARDAR KANHAYA SINGH : Yes Sir, I move this amendment.

THE HON'BLE MR. WAJAHAT HUSSAIN : May I take, Sir, that the motion to be taken into consideration has been passed?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Yes. Now an amendment has been proposed.

THE HON'BLE MR. WAJAHAT HUSSAIN : The main motion is passed.

SARDAR KANHAYA SINGH : Sir, I propose the following amendments to the bill to "authorize the taking of Measurements and Photographs of Convicts" :—

Delete sub-section (b) section 3 which means that under section 118 of the Criminal Procedure Code a person is ordered to give security for his good behaviour. The convict is acquitted on his furnishing security for his good behaviour and remaining of good behaviours. His photograph is already taken. During that year he would go out in search of his livelihood. His photographs are already found with the Police inside and outside

the State. So the convict be answerable to the Police everywhere and the Police will stand as an obstacle in the way of his searching the livelihood. After one year if his measurement or photograph be destroyed at the place where they were taken but they will remain on the records of other Police stations even after the expiry of that period and that man will remain bound to all places and continue to be a convict for ever.

Under section 7 it is mentioned that if a person is released without trial then his photograph will either be destroyed or returned to him. There is no definite provision as to what will happen after the trial which means the convict will remain bound even after the trial. Therefore sub-section (b) of section 3 may be deleted.

NOTE.—The member began to read out the written speech with regard to his second amendment regarding section 4 and the Hon'ble President was pleased to remark:—

You should only speak on section 3 only. Don't take both the amendments simultaneously.

SARDAR KANHAYA SINGH : I have taken both the amendments together.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : First we have to see whether anybody supports your amendment to section 3?

THE HON'BLE MR. WAJAHAT HUSSAIN : No body supports him.

A VOICE : I support it.

THE HON'BLE MR. WAJAHAT HUSSAIN : Sir, it does not require any speech. Perhaps Sardar Sahib who is sitting opposite did not hear my speech. I quoted an instance of section 109 which is about those people who are vagarants and suspected. Had their thumb-impression not been taken, we would have been very poor to-day. It is very necessary to take the thumb-impression of those convicts who are arrested under section 109. If section 3 be deleted from this law then its object will be defeated. It is the intention of Sardar Sahib that the Praja Sabha should not pass this law at all. He wants nothing besides this.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : As no other gentleman wants to speak, therefore I want to take the sense of the House.

Those who intend that sub-section (b) section 3 be deleted, will please raise their hands. (Hands were raised)

Those who are against it, will please raise their hands. (Hands were raised)

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : 15 members are in favour of the amendment and 38 against it. Therefore the amendment will be taken to have been lost.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : (Addressing Sardar Kanhaya Singh) What do you want to say regarding section 4.

NOTE.—Sardar Sahib began to read his written speech regarding the amendment to section 4.

SARDAR KANHAYA SINGH : "The Law of measurement of Convicts". Delete the whole of section 4. The object of which, as far as I could understand is that any person who has been arrested in connection with an offence punishable with rigorous imprisonment for a term of one year or upwards shall, if so require by a Police officer allow his measurement and photographs to be taken in the prescribed manner. The copies of which can be sent to other police stations whether that are inside or outside the State. It is incumbent for him to give his photograph in case of arrest. When he is acquitted by the court, then, in that case although the photograph was destroyed at the place where it was taken, yet it remains on record of other police stations and at those places he will be deemed as an offender for his whole life. In these conditions an innocent person will continue to be an offender. Anarchist ideas are quite unknown to the people of the State therefore it is not justified to suspect the subjects of the State in this way. If this practice be in force in any other Illaqa then it is not necessary to follow the same practice here in the State. We have no objection if the Police watches the outsiders strictly especially when laws regarding the punishment and the demand of security from such convicts are already existing. In these days of enlightenment it is a fatal blow to the freedom of the people to impose unnecessary restrictions on the people of the State, therefore the whole of section 4 be deleted.

SHEIKH ABDUL HAMID : Sardar Sahib the word "photo" does not come in section 4.

SARDAR KANHAYA SINGH : If it is not "photo" there, thumb-impressions and measurements can also mean that.

SHEIKH ABDUL HAMID : The word photo comes in section 5 and not in section 4.

SARDAR KANHAYA SINGH : If any person is arrested but is not punished, even then according to this law, he will be bound to give his identification to the Police. If he is acquitted in that case his measurement or the thumb-impressions should be returned to him, otherwise if after his acquittal he would go elsewhere in search of livelihood, then the Police will always pursue him. It is a great injustice that he be photographed at the very moment he is arrested. It is high-handedness. It lays a great restriction upon his freedom.

THE HON'BLE MR. WAJAHAT HUSSAIN : Sir, the time at our disposal is very short.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : There are two minutes yet, let some body speak.

MR. M. A. BEG : It is said that this law is in force in India since 1920 and the Hon'ble Home Minister does not see any ground as to why it should not be enforced here.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :

The question is whether section 4 will stand or not. You are concerned at the present with section 4 only.

The time is up now. We will meet after lunch.

(AFTER LUNCH)

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Mr. Beg.

MR. M. A. BEG : Sir, Sardar Kanhaya Singh stated that section 4 be deleted and he discussed it. I only intend to submit that Police when given this power will be a cause of great many troubles to the people of this country. The Hon'ble Home Minister also stated that this law was in force in this Illaqa uptil now, whereas the fact is that there was no such law in force here. The people of this place are ignorant and illiterate to such an extent that even in the absence of this regulation, the Police have recourse to this procedure, we should now have to ascertain as to what sorts of hardships and oppressions will be brought down on the people when such powers will be given to the Police. Besides, the Police taking shelter under this law will uselessly harass the innocent people. Many false cases will be made, and the people will be arrested without any reason. The Police will try to involve the innocent people in trouble. The Police of our State has given an official colour to the report of the official enquiry. Therefore, under these circumstances I request the House not to vote for the photographs to be taken by the Police.

MOULVI MOHAMMED ABDULLA : Sir, I submit to your honour that the injustice is of two kinds. One is organized which is called law, the other which is not so, that is, which is against the law. In reality both of these are injustice. The difference is only of situation. The amendment moved by Sardar Sahib is important on the ground that the present section is premature. That is, the result of it will be that the thumb-impression will be taken before one is proved an offender and will be treated like convicts. This charge which is framed against them is not really against them but is against the society. Therefore I support it.

THE HON'BLE MR. WAJAHAT HUSSAIN : It is the Vakils who most of all cause misunderstanding amongst the people. I hold this view. The argument advanced by Moulvi Sahib is not based on this section. If he, by referring to this section, wants to find out whether the person arrested was a previous convict or not, as has been discussed by Messrs Kak and Kilam, I do not think he will gain any thing if I tell him off hand that the person was not a previous convict. As Mr. Kak stated that many such punishments have been awarded under the provisions of Penal Code. These circumstances show that he is a previous convict. You know it fully well that he has been convicted. How could we know at first that he was punished? Similarly when he is arrested, we

cannot at the very outset take him for an offender unless we do possess his photograph. Therefore it is necessary to have his photograph, thumb-impression and measurements in order to easily identify him as an offender. As regards the point raised by Moulvi Sahib at that stage it is not ascertained whether he is an offender and still the Police takes his thumb-impression. This is beneficial for those who commit such offences. Further he said that the charge framed against such persons is injurious to the society. It is not necessary for petty cases but for important cases that photographs etc. are taken. So that we may be able to find out whether he is convicted or not. In my opinion it is not necessary to reconsider or discuss it after its having been once duly considered. With these words I oppose the amendment.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : (Addressing Lala Hans Raj) Do you want to speak?

LALA HANS RAJ : I wanted to say something. I want to know as to what did he mean by it?

SECRETARY PRAJA SABHA : Sir, he wants to speak.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Yes, he can speak. Speak please.

LALA HANS RAJ : I support it and submit that the amendment moved by Sardar Kanhaya Singh is a good one.

MAJOR GENERAL RAO BAHADUR THAKUR JANAK SINGH JI : Is it good?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : He wants to speak again.

THE HON'BLE MR. WAJAHAT HUSSAIN : No.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The amendment No. 2 proposed by Sardar Kanhaya Singh is placed before you. This amendment is about the deletion of section 4 of this bill.

LALA RAM LAL : Section 3 too be deleted.

THE HON'BLE MR. WAJAHAT HUSSAIN : That was done yesterday.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Those members who want that section 4 be deleted, that is the amendment be accepted, may please raise their hands, and those who oppose it should also raise their hands.

LALA HANS RAJ : It is already an admitted fact.....

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : 19 members are in favour and 39 against this amendment, therefore the amendment is rejected.

THE HON'BLE MR. WAJAHAT HUSSAIN : I request that the bill moved in the Praja Sabha be passed.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Those members who intend that the bill be passed may please

raise their hands.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji :
(Addressing Moulvi Sahib) You also raise your hand.

MOULVI MOHAMMED ABDULLA : As I am against the amendment so I cannot raise my hand.

SHEIKH ABDUL HAMID : These dirty hands are not required. These are that of a Mirzai.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Those who oppose this bill may please raise their hands.

40 members are in favour of the bill and 18 against it, therefore the bill is passed.

The next item of the business is to ask the questions and to move the resolutions.

THE HON'BLE MR. K. N. KNOX : Mr. President ! Sir, I rise to place before the House the Jammu and Kashmir Kahcharai Bill. I rise also to get the permission and suggestion of the House to place the bill before it at the next session. Sir, this bill was put before me soon after I joined the service in this State. I felt that the subject was a difficult one and having seen only some parts of Jammu and travelled about in some parts, I cannot do justice to it yet and cannot take the responsibility of discussing it which I ought to do as Revenue Minister, before the House at the same time I was advised that it had been put before the House at the previous session and the House made objections to it and therefore it had not been brought up in the meeting. House might impute motives that the Government was anxious to postpone the discussion. I see from the number of questions and the number of resolutions that have been tabled that it is a contentious measure and I shall be very sorry if the resolutions be forwarded by non-official members and not receive the consideration which is their due. It would not be very easy if we have to discuss it at the present moment. I should be holding more or less detrimental view if I form any considered opinion of my own which will come before this House for consideration. I would propose, if my proposal was approved in this House, that the mover of the amendment and the leaders of various parties as also Revenue officials be consulted and various clauses and amendments be discussed with them so that they would realize objections and work out agreeable concessions which would be acceptable to the Government. It is a money-bill at least, I know the resolution was a suggestion for the exemption from the taxes and therefore it is not being brought under the present session of the House. It can not therefore be referred to a Select Committee. I should have very much liked to have a private committee for private consultation. There should be response for the resolution and the House should therefore consult the Revenue officers who have some experience on the subject. I cannot hold out false hopes

of the suggestion that the Government would not be prepared to sacrifice $5\frac{1}{2}$ lacs which is being realized as Kahcharai Tax. I have an open mind to hear every one's views and I will give consideration to all the points which will be raised. But at the same time I do not want the Praja Sabha to think that I am ready to accept everything and that the Government is prepared to throw away the revenue from grazing tax. But I will certainly consider all these matters. For wiping out all penalty no hopes can be held for doing away with the grazing taxes altogether. Subject to these considerations I am only too anxious to have consultation with the representatives of the persons concerned and to realize what their grievances are. It is mainly as I stated to begin with a matter for the consideration of the House. The Government do not want this Regulation. They are getting their revenue under the old Regulation. But as the old Regulation is confused, if possible in certain cases where really injustice is being done, the grievances will be removed. If you, Sir, agree I suggest that the detailed consideration may be postponed till the next session. I shall call an informal committee of representatives of the Bakarwals and the Revenue officials.

$5\frac{1}{2}$ lacs are required for this purpose and Government so far as I have seen is unable to give money except from this tax and therefore at present I cannot hope for any favour of this proposal. They do not like to levy the tax and are rather against fixing any Kahcharai duty at all. I do not like it. Government will not give any favourable consideration to that clause of the amendment. Subject to these consideration I am only too anxious to have consultations with the representatives of the persons concerned and to realize what their grievances are and after the consultations I shall try to remove all reasonable grievances. It is mainly as I stated to begin with a matter for the consideration of the House. The Government do not want this Regulation. They are getting their revenue under the old Regulation. But as the old Regulation is confused, if possible in certain cases where really injustice is being done, the grievances will be removed.

If you, Sir, agree, I suggest that the detailed consideration may be postponed till the next session, I shall call an informal committee of the representatives of the Bakarwals and the Revenue officials.

LALA HANS RAJ : We could not understand what does it mean?

SHEIKH ABDUL HAMID : This bill will be moved in the next session.

THE HON'BLE MR. WAJAHAT HUSSAIN : Sir, it is a hard task to reproduce the full speech in Urdu, therefore I will mention the main points. The Hon'ble Revenue Minister stated that this bill

was submitted to him at the time when he took over the charge of the office of Revenue Minister. At that time he felt that the bill was complicated as well as the principles involved in it. In spite of these difficulties he could not have any hesitation in bringing the bill before the Praja Sabha. The reason for this being that the members of Praja Sabha could misapprehend that it is the intention of the Government that the bill should not come before the Praja Sabha. It is found from the resolutions and questions which were submitted by the members that there are many things in the bill which are a cause of complaint. Therefore the Hon'ble Revenue Minister requests the Praja Sabha to postpone the bill till its next session. He thinks that a committee consisting of those members be appointed who have given notice of the resolutions and questions, and have some interest in the matter so that he may consult them in this behalf. This is the only way which can remove their complaints. Therefore he requests for the permission that the bill be postponed till next session. The permission may please be given.

MR. M. A. BEG : Sir, I would request the Hon'ble Revenue Minister to throw light on the matter. So far as we remember he stated in the course of his speech that the Government is not anxious to make such regulation and the Government is getting the tax. Is it that tax which the Government has been realizing upto now or that which has been proposed in the bill?

THE HON'BLE MR. K. N. KNOX : To the best of my knowledge there is no increase in the tax which is being proposed in this bill.

MR. M. A. BEG : Thank you.

The first point which he has explained is that it is a money-bill. We have explained and are explaining that it is not a money-bill. Will it be this committee or your honour who will decide it? The second point so far as we understand is that he has probably quoted some reservations regarding which committee so appointed will consider the proposed Kahcharai bill. If the Hon'ble Revenue Minister means by it that all those reservations which he has quoted will be considered by that committee and that the committee will be authorized to give its decision

THE HON'BLE MR. K. N. KNOX : I do not want to hold out false hopes and so far as I am at present advised, the Government is not fully prepared to sacrifice a sum of 2 1/2 lacs of rupees which is being realized as Kahcharai tax. I have here on open mind to hear every one's views and I will give consideration to all the points which will be raised. But at the same time I do not want the Praja Sabha to think that I am ready to accept everything and the Government is prepared to throw away their revenue from grazing tax. But I will certainly consider all these matters.

PANDIT RAM CHANDRA DOBEY : Sir, I may be allowed to ask

under which rule the request of the Government for postponing the bill has been made.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : If the House agrees much can be done.

PANDIT RAM CHANDRA DOBEY : The second point is to postpone it till the next session and the Hon'ble Revenue Minister's intention is that there should be a committee which should be consulted by him and which will settle all matters regarding the bill by that time. I would like to know as to what can we expect from a private committee. It is better to revise it. If the bill is again referred to the Select Committee which was appointed previously then that committee would be able to complete the report till the next session. I think then there will be no objection on our part. It would not be better if a private committee be appointed.

MR. M. A. BEG : Does it require reply Sir?

MIAN AHMED YAR : The first point was whether it was a money-bill or not. That question has not arisen at all.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Is there any amendment?

MIAN AHMED YAR : A written note was submitted to your goodself Sir, about the particular point that the bill cannot be considered a money-bill.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR (Prime Minister) : Sir, I want to make a submission. I must first tell the House that I am quite new to the constitution which is in force in the State but such attention as I have given to Regulation No. 1 of 1991 which has established this Praja Sabha and to the procedure which has been prescribed for the transaction of business in the Praja Sabha, enables me to make the following submission to the Chair before it decides the question as to whether this bill should be treated as a money-bill or an ordinary legislative measure that should pass through all the stages prescribed for such measures.

So far as I am able to see, legislation in this State can be passed either by the Praja Sabha or by the Council. In this connection, I will invite your attention Sir, to section 10 of the Regulation. It reads :—

“The Legislature of the State shall consist of—

(a) the Council ; and

(b) the Praja Sabha ;

and subject to the provisions of section 7 , no legislative measure shall be deemed to have been passed unless it has been passed by the Council or the Praja Sabha under the provisions hereinafter set out and has received the assent of His Highness”.

I place some emphasis on the word ‘or’ in this section. You will, Sir, find from section 11 of this Regulation that the power to

pass a Regulation which will have legislative effect as regards the public revenue is vested in the Council and not in the Praja Sabha. That is the constitution under which we are working here.

Now with regard to the public revenue, we have to make a distinction at the present moment. I take it, from what my hon'ble colleague has said, that this Kahcharai bill attempts to impose no new tax nor does it attempt to change the rate of any existing tax. If we refer to section 39 of the said Regulation we will find that it only imposes on the Council the obligation of placing before the Praja Sabha any Regulation which the Council proposes to make and which has the effect of imposing a new tax or duty, or which changes the rate of any existing tax or duty.

Now this Kahcharai bill does not make any change in the existing rate of any tax, and it does not impose any new tax. What I would contend in the terms of this Regulation is that there is no obligation on the Council to place this Regulation at all before the Praja Sabha. I am only arguing from the language of this Regulation as it is. Whether the House approves the policy at the back of this constitution or not is a different matter. But taking into consideration the language of Regulation No. 1, the Council is not bound to place before the Praja Sabha a Regulation which does not impose a new tax or does not change the rate of any existing tax.

I think therefore you will give credit to the Government for the procedure it has taken upon itself to adopt in this case, namely, that, even when there is no obligation on the Council to place such a proposal before the Praja Sabha, it has actually placed it and the measure has passed through some stages. I think you will appreciate the spirit of my hon'ble colleague, the Revenue Minister, in placing this bill before the House and also making a proposal to call an informal Select Committee of the persons who are interested in the matter and who have suggested alterations in this measure and such other persons as have got knowledge of and familiarity with the subject of Kahcharai.

I hope the House will recognise that the Government are very keen on acting on the advice of the people on such complicated measures; and regarding the point of order which has been raised I would submit that this bill cannot be treated as an ordinary legislative measure and cannot under the prescribed procedure be referred to a Select Committee. (Cheers)

MOULVI MOHAMMED ABDULLA : Will a summary of the Hon'ble Prime Minister's speech be read out in Urdu.

THE HON'BLE MR. WAJAHAT HUSSAIN : Sir, the Hon'ble Prime Minister stated that the Regulation which pertains to the Praja Sabha is named as Regulation No. 1. If you consult this Regulation, you will find that under section 10 the laws can be made by the Council or by the Praja Sabha. There are some special

laws concerning the exchequer which are made by the Council and which do not come before the Praja Sabha and regarding which the Council is the only authority which can make them. Besides these you would find by the perusal of section 39 that if any new tax is to be imposed, then on particular occasion the bills by which a tax is intended to be realized from the people are introduced in this Sabha. That is the case when a new tax is to be imposed or the rate of the tax is to be increased. But such is not the case with this bill, as the Hon'ble Revenue Minister stated that the object of the Kahcharai bill is neither to impose a new tax nor to revise the rate of the tax.

In view of this law, the Government was not bound to bring this bill before the Praja Sabha, still it is done so with the object that the Praja Sabha may have full confidence in the Government. It is also the opinion of the Government that if any law regarding any tax be made that should be brought before the Praja Sabha. Therefore the members of the Praja Sabha should consider it so that they too should give their opinion which may be duly regarded as far as possible.

In reply to the point of order raised by Mian Ahmed Yar that the Kahcharai bill is not a money-bill, but is an ordinary bill, the Hon'ble Prime Minister stated that it is not an ordinary bill, because it concerns a tax. Hence it is a money-bill.

MIAN AHMED YAR : I may kindly be allowed to reproduce the answer in order to make the point more clear.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : All right. In English please, so that the Hon'ble Prime Minister may understand it.

MIAN AHMED YAR : It has been replied to my question No. 4 on the bill that the Council has powers to pass any Regulation without the intervention of the Praja Sabha or without bringing any Regulation before the House. So, according to the particular section i. e. section 10 of Regulation No. 1, even a bill which is not a money-bill can be passed by the Government without the consent of this House. I raised a supplementary question on the subject that having reference to section 10 of the Regulation, no legislative measure shall be deemed to have been passed by the Council or the Praja Sabha unless passed under the provisions hereinafter set out and has received the assent of His Highness. Exactly the same section which has been referred to by the Hon'ble Prime Minister. My question is, Sir, that under what particular provision the Council is competent to pass any Regulation without the consent of the House?

THE HON'BLE PRIME MINISTER : The answer is that under section 10, a Regulation can be passed either by the Council or the Praja Sabha. Under section 11 the Council may pass a Re-

gulation for any matter concerning the public revenue. I would not specifically describe all such regulations as money regulations. Therefore there is really no obligation on the part of Government to place it before the House. What we have done, as a matter of fact, deserves therefore to be appreciated by the House, and we want to benefit by its criticism.

MR. M. A. BEG : I would like to know whether in the presence of the remarks of Mr. Mehta the late Revenue Minister, the Hon'ble Revenue Minister is prepared to refer this bill to a Select Committee.

THE HON'BLE MR. K. N. KNOX : I have no knowledge of what my predecessor in office had declared.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The question must arise out of an answer given according to the Rules of Business. What are the rules as to supplementary questions. See rules. How does the question arise about the predecessor of the present Revenue Minister?

MR. M. A. BEG : Sir, see question No. 3.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Have you put a question?

MR. M. A. BEG : Yes Sir, question No. 3. It is already in the list of business.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I did not see that. So, that is not a supplementary question, it is a main question.

MIAN AHMED YAR : Sir, may I know whether the Council is governed by the rules prescribed as Rules of Business.

VOICES : Certainly.

MIAN AHMED YAR : Sir, I want to know whether the Council can pass any measure other than the one provided specifically in the procedure?

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR : The answer to that, Sir, is this. According to section 38 I claim that under the terms of the existing constitution the Praja Sabha does not legislate a tax or anything connected with the public revenue. Legislation must be something which is passed by the Council or the Praja Sabha. In the present case it is simple that a money regulation is proposed to be passed. It is circulated to the members of the Praja Sabha for the purpose of questions being asked and resolutions being moved and after we have taken all these into consideration we, as a Council, pass a Regulation. It is not the Praja Sabha that passes a money-bill but it is only the Council that does it.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : (To Messrs Beg and Ahmed Yar) I would like to give a ruling. I think that is a question of law which cannot form a subject of

question and reply. You are entitled, under section 38, to ask questions and move resolutions but those questions must be questions of fact and not of law. It was a sheer mistake on the part of all those who put the question, those who allowed the question and those who answer the question. I would like to give a ruling and shall decide whether it is a money-bill or not.

RULING.

On behalf of the Government the Hon'ble Revenue Minister placed before the House a Bill known as the Kahcharai Bill professing to act under section 38, (in new edition 39) of Regulation No. 1 of 1991 to enable the members to ask questions and move resolutions.

Thereupon Mian Ahmed Yar, a member of the Praja Sabha, put the question No. 4 being one of the questions of which notice was given on 14th of April 1937. The question runs as follows :—

“Is it a fact that

(a) this Regulation is treated as money-bill under section 39 of the Regulation No. 1 of 1991 and is being introduced accordingly”.

There is another portion of the question which it is not necessary to consider at the present moment.

As I read section 38 of Regulation No. 1 of 1991 and as I consider the relevant portions of the Rules of Business I come to the conclusion that the questions that are allowed to be put under section 38 of Regulation No. 1 of 1991 must be questions of fact. Any question of law that may be raised can't form a subject of question and reply under the said section. It is not the object of section 38 that a general discussion on points of law should be raised in the House. The object of section 38 is that the Council having passed what it considers to be a bill coming under section 11 of the Regulation, puts it before the House for criticism by way of resolutions and for the information of the hon'ble members to be elicited by means of questions.

In this view the question No. 4 which was fortunately allowed by me to be put should be ruled out. This, however, does not eliminate the question altogether. The President as such has to decide whether the House could discuss or not the Kahcharai Bill under section 38 of the Regulation because if the bill does not come under section 38 the time of the House cannot be wasted by doing something which would be fruitless and would be of no use to the Council on whom alone lies the responsibility of passing a Regulation the object of which is to raise or affect public revenue. I have therefore to give an answer myself to the question put by Mian Ahmed Yar.

In my opinion the Kahcharai Bill is undoubtedly a bill which can be passed only by the Council under the constitution which

at this moment prevails. Under section 10 of the Regulation the legislation can be carried through in this State by one of the two agencies, namely, the Council or the Praja Sabha. In either case, of course, the assent of His Highness has to be obtained. Under section 11 the duty of the Council is to provide by Regulation for any matter concerning the public revenue of this State including the imposition of any charge thereon or maintenance, alteration or imposition of any tax or duty. But I understand and have been told by the Hon'ble Revenue Minister that a number of rules or regulations are in force at this day under which a tax known as Kahcharai tax is being realized in the State. The object of the present bill is to consolidate those rules and regulations and to make a compact law under which those taxes may be realized. I also understand and the Hon'ble Revenue Minister has stated that so far as he is aware there is no intention to make a fresh imposition of taxes. When however a law which imposes a tax is repealed and is sought to be replaced by a new law which has the same object in view as the law repealed, the latter must be treated as a bill the object of which is to impose a tax. The law which is repealed should not on its repeal justify the imposition of the tax. The new law authorises the imposition of tax although the rate may not be changed. It deals with the future Kahcharai tax even if it does not alter the rate of the existing tax or duty. If passed the bill, in its nature, would be a Regulation covered by section 11 and section 38 of Regulation No. 1 of 1991.

The ruling of the Chair therefore is that this is a bill covered by section 11 and section 38 (section 39 of the new edition) of the Regulation and has been properly placed before the House.

The ruling of the Chair further is that any questions that are put under section 38 must be questions relating to facts and must not raise a question of law for academic discussion.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : As I was dictating order in English, so when I stood up, I spoke in English at that time and forgot to note that there are some such members who do not know English.

LALA HANS RAJ : I could not understand what you were speaking.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I was saying that the Hon'ble Revenue Minister on behalf of the Government has brought a bill named Kahcharai Bill, under section 38 of Regulation No. 1 (new edition No. 39) submitted before the Praja Sabha so that the members may be able to ask questions and move resolutions. On this Mian Ahmed Yar, a member of the Praja Sabha, asked the question No. 4 of which the notice was received on 14th April 1937. The question was as

under :—

Is it a fact that this Regulation is treated a money-bill under section 39 of Regulation No. 1 of 1991 and is being introduced accordingly?

There is also a second part of this question which does not require any discussion at present. As I see section 38 of Regulation No. 1 of 1991 and important parts of Rules of Business, I come to the conclusion that all those questions which are submitted under section 38 of Regulation No. 1 of 1991 are in reality not based on facts. Any question of law which is raised cannot be replied to under this section. Section 38 does not provide that legal point be discussed in this House. The meaning of this section is that whichever is considered as bill by the Council may under section No. 11 be brought before the Praja Sabha for asking questions and criticising it. Therefore question No. 4 which I permitted may be omitted. Moreover, the President has to consider whether this Kahcharai Bill comes under section 38 or not. The House does not intend to waste the time on discussing it because this question will carry no value in the Council. So I myself have to give a reply to the question of Mian Ahmed Yar. I think the Kahcharai Bill undoubtedly is such a bill which the Council can pass under the existing constitution. Under section 10 of the Regulation the Council or the Praja Sabha can legislate. Besides, His Highness the Maharaja Bahadur's sanction is necessary for it. According to section 11 it is the duty of the Council to impose taxes for revenue. But I am told by the Hon'ble Revenue Minister that many rules and regulations regarding the imposition of Kahcharai tax are in force here. The object of this bill is that all those rules may be consolidated and compiled into such a law which would regulate the levying of all such taxes. He stated that to the best of his knowledge no taxes will be imposed in future. When a new law applies to a tax and such law may have been replaced previously then it can be reinforced according to the new law and is considered in the form of a bill. Taxes can be imposed under new law but the rates cannot be changed. It relates to the Kahcharai tax to be levied in future. It cannot make changes in the rate of duty and tax. If it is passed the bill itself will be a Regulation under sections 11 and 38 of Regulation No. 1 of 1991. Therefore I have given this ruling that this bill will be proceeded with under sections No. 11 and 38 (section 39 new edition) and has been properly moved in this House. Further any question that is asked under section 38 should necessarily be based on facts and these should bring in question any point of law. It should be known to you all that it will be brought before the House in the next session and as His Highness the Maharaja Bahadur has extended the life of the Praja Sabha, therefore at that time (in the next session) the

House will consist of the same members.

SHEIKH ABDUL HAMID : (Addressing Lala Hans Raj) Lala Ji pay your thanks.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The procedure is that this resolution should be postponed and the members should consider what policy they should adopt and they should also devise means to shorten the procedure. It is postponed for the next session for the reason that it may be clear to the members what should they do. After this there should be no discussion on it to-day.

LALA HANS RAJ : Sir, when I saw this bill I found out that this law is a very oppressive one. All the amendments that are made are worth consideration. No doubt, the Kahcharai is levied since a long time. There are many practices of it prevalent, varying at different places; Muzaffarabad, Kishtwar and the plain Illaqs have different practices in vogue and until the Hon'ble Revenue Minister will not carefully study these things, some defect will still remain in the law. There is no harm, if it be postponed to the next session.

MR. LOK NATH SHARMA : (Hear, hear) Because the life of the Praja Sabha is extended.

MIAN AHMED YAR : I want to ask that if in the course of this postponement any unpleasant and difficult events should happen then in that case the immediate action must be taken at those places. If the complaints of the people of the places from where innumerable applications about their troubles are received, are not considered, in that case there is a danger of the troubles of these people being increased. The Hon'ble Revenue Minister can adopt means to remove the existing complaints and efforts may be made to remove those which are genuine or medium we have no objection if with this condition the bill is postponed to the next session.

THE HON'BLE MR. K. N. KNOX : Sir, I will try to remove these difficulties provided there are any genuine and "medium" complaints.

LALA HANS RAJ : It lies within his own powers to do so.

LALA RAM LAL : He is also saying so.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It appears that no one intends to speak any more. Therefore those members who are in favour of Hon'ble Revenue Minister's proposal will please raise their hands.

(Note.—The whole House raised hands).

MR. G. M. SADIQ : None against.

MR. M. A. BEG : We are thankful for the generosity of the Hon'ble Revenue Minister.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Next item of business is the resolution moved by the Hon'ble Reve-

nue Minister.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I suppose you will read as you will move it.

THE HON'BLE MR. K. N. KNOX : Sir, for the information of the House, I rise to say that I discussed this question in the Board of Industries recently. I had no opportunity to discuss it with different parties of the House and think over it. If the House allowed I shall like to bring it on some other official day.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It is said about the resolution standing in the name of the Hon'ble Revenue Minister that there is not only one board but one board and one Standing Committee. He thinks that there is no need of having two when one can suffice. Somehow or other I intend to ask the opinion of the members of the Standing Committee in this matter. If you permit then this resolution can be postponed to next official day. If you won't then it will be moved to-day.

MR. M. A. BEG : Even rules can be over-ruled.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : If the House gives permission many things can be done.

NOTE.—Mr. M. A. Beg quoted rule No. 91, and the Hon'ble President remarked as follows :—

You are going to the merits.

SHEIKH MOHAMMED AMIN : It is a fact that this matter will be discussed in the Board of Industries just as the Hon'ble Revenue Minister has stated.

PANDIT AMAR NATH KAK : Has the Chair decided whether the motion is in order and can be moved?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Nothing has been decided. The question is that if you give permission then it will be postponed till the 22nd otherwise not.

MOULVI MOHAMMED ABDULLA : 22nd would be proper. The heat is on the increase.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Those who intend that this should be postponed till 22nd will please raise their hands. (Hands were raised)

NOTE.—Postponed till 22nd of April by show of hands.

The House then adjourned till 20th of April 1937.

THE
JAMMU AND KASHMIR PRAJA SABHA DEBATES
(Official Report)

VOLUME VI.

PART VIII

(20th April 1937)

SIXTH SESSION

OF THE

FIRST J. & K. PRAJA SABHA.



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HIS HIGHNESS' GOVERNMENT, JAMMU AND KASHMIR.

JAMMU AND KASHMIR PRAJA SABHA.

*Tuesday, the 20th April 1937.
8th Baisakh 1994.*

The Praja Sabha met in the Praja Sabha Chambers at Ajaib-ghar at Eleven of the Clock. Mr. President (The Hon'ble Sir Lal Gopal Mukerji Kt.) in the Chair.

Lala Haveli Ram (General Secretary to the Government) took the prescribed oath of allegiance.

QUESTIONS AND ANSWERS.

442. PANDIT AMAR NATH KAK (Srinagar City North : Hindu): Is the Hon'ble Revenue Minister aware of the fact that reports of defalcation in the Sindh Forest Division have been appearing in the Press ?

Will he be pleased to state whether any enquiry has been held in regard to the alleged defalcation ?

COLONEL BALDEV SINGH PATHANIA (Governor Jammu on behalf of the Hon'ble Revenue Minister): The matter is still under enquiry.

443. MOULVI MOHAMMED ABDULLA (Shah Hamdan, Srinagar City : Muslim): (a) Is it a fact that the elected members of the Praja Sabha staged a protracted walk-out during the last session of the Sabha and, ultimately being dissatisfied by the policy of the Government in the Praja Sabha, Sardar Budh Singh and the members of the Conference Party resigned ?

(b) If the answer to (a) be, wholly or partly, in the affirmative, is it a fact that on account of this the public and the newspapers disapproved the policy of the Government, and the work of the Praja Sabha suffered ?

(c) If the answer to (b) be, wholly or partly, in the affirmative, is it a fact that one of the causes of this tension is that in the opinion of the elected members and especially of the Muslim Conference Party the constitution of the Praja Sabha is defective, the number of the elected members is inadequate and that the Praja Sabha is an impotent body ?

(d) If the answer to (c) be, wholly or partly, in the affirmative, is the Government prepared to change the constitution of the Praja Sabha so as to satisfy the subjects and their representatives in the Sabha.

(c) If the answer to (d) be, wholly or partly, in the negative, is the Government aware that the continuous resigning of the elected members and their tension will be harmful to the Praja Sabha and a good deal of expenditure shall have to be incurred for nothing ?

LALA HAVELI RAM (General Secretary, on behalf of the Hon'ble Prime Minister): (a) Yes.

(b) The Government are not aware whether the public or the newspapers disapproved the policy of the Government because some of the members of the Sabha resigned. Owing to the resignation, the work of the Praja Sabha did not go on as it should have.

(c) The Government are aware of the opinion of some of the elected members of the Praja Sabha that they want more elected members in the Praja Sabha but they do not admit that the Praja Sabha is an impotent body.

(d) The present constitution of the Praja Sabha is derived from the provision of Regulation No. 1 of 1991 and the modification of these provisions is a matter reserved from the Council under section 7 clause (h) of this Regulation.

(e) If the members of the Praja Sabha constantly resigned, the interests of electorates which elected them would suffer and the benefit sought to be conferred on them would be nil.

444. MOULVI MOHAMMED ABDULLA: (a) Is it a fact that by setting up the Praja Sabha, the object of His Highness the Maharaja Bahadur was to make the subjects participate as counsellors, in the administration of the State ?

(b) If the answer to (a) be in the affirmative, is it a fact that in the Praja Sabha, the number of elected members is much less than that of other members and that elected members consist of representatives of different classes of the people ?

(c) If the answer to (b) be in the affirmative, is it a fact that most of the elected members and the subjects of the State are dissatisfied with the present Praja Sabha and demand a responsible Praja Sabha ?

(d) If the answer to (c) be, wholly or partly, in the affirmative, is the Government prepared to modify the present Praja Sabha ?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister): (a) As stated in the proclamation of His Highness dated 17th October 1934 the Praja Sabha was established so that the subjects of the State may be more closely associated in His Highness' Counsels.

(b) The number of elected members is 33 and that of nominated and official members 30 and 12 respectively. Both elected and nominated members represent different classes of the people.

(c) No.

(d) Does not arise.

MOULVI MOHAMMED ABDULLA: Can you state the necessity of having the nominated members. Why should not all the members be elected so that this complaint may be removed?

LALA HAVELI RAM: This is due to the fact that those classes of the people whom they represent are not capable enough to elect their representatives themselves.

MOULVI MOHAMMED ABDULLA: Should I conclude from it that they are not qualified to be electors?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister): Much less time will be wasted if Moulvi Sahib will see the Franchise Committee Report.

445. MOULVI MOHAMMED ABDULLA: (a) Is it a fact that on account of the Praja Sabha an expenditure of about one lac of rupees is being annually incurred, which is a burden on the subjects?

(b) If the answer to (a) be in the affirmative, is it a fact that the object of constituting the Praja Sabha was to secure the prosperity of the country and the Government?

(c) If the answer to (b) be in the affirmative, will the Government please state what particular good besides discussion has been derived from the Praja Sabha which the Ministers of the Government could not achieve without it?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister): (a) The annual expenditure budget of the Praja Sabha is about a lac of rupees. The Government do not, however, consider that it is a burden on the subjects as it provides them with a constitutional means of representing their view on matters of public importance and administration.

(b) and (c) The Praja Sabha was established as a result of His Highness' earnest desire for the association of His Highness' subjects in the counsels of Government and is discharging a useful function.

446. MIAN QURBAN AHMED (Kathua: Muslim): (a) Will the Hon'ble Revenue Minister please state as to what reply was received to the letter addressed to Suraj Singh, Risaldar for consulting him in connection with the dismissal of Chirag Din, Patwari and why was he consulted?

(b) Was the Governor himself unable to hold an enquiry? What was the secret underlying this consultation?

(c) Is it also a fact that the Governor has asked the Patwari to submit a revision petition and thus the appeal was time-barred?

(d) Will the Government be responsible for all these troubles and expenses? If not, why?

COLONEL BALDEV SINGH PATHANIA (Governor Jammu, on behalf of the Hon'ble Revenue Minister): Chiragh Din had contended in his review application that Risaldar Surat Singh (not Suraj Singh) had no complaint against him. It was, therefore,

necessary to have this statement verified. The Risaldar in his reply not only emphatically denied the statement of Chiragh Din, Patwari, but also added that quite contrary to the mutual consent the Patwari had shown 17 marlas of land in the Shajra and Khasra prepared by him in excess of the area actually bargained for by the parties.

(b) The enquiry in such petty matters is generally held through local Revenue officers.

(c) No. The Patwari was directed to proceed according to law.

(d) Does not arise.

MIAN QURBAN AHMED: Was it written in the letter that he may be dismissed or reinstated or some other opinion was called?

COLONEL BALDEV SINGH: The letter was written for other enquiry and not for this purpose.

MIAN QURBAN AHMED: Did the immediate officer propose a fine of rupees two or was it some other punishment that he proposed?

THE HON'BLE MR. K. N. KNOX (Revenue Minister): It is a new question, Sir. There is no reference at all in the question as to what fine or punishment was imposed. It is entirely a new question.

MR. PRESIDENT (The Hon'ble Sir Lala Gopal Mukerji Kt.): It is a new question.

447. MIAN QURBAN AHMED: (a) Will the Hon'ble Home Minister please state the number of the Head Masters and Second Masters of Jammu and Srinagar High Schools? How many of them are Muslims and how many non-Muslims?

(b) Is there any Umar Din amongst the Second Masters? Has he been drawing Rs. 109 for the last eight years and has his pay now been reduced to Rs. 97 only?

(c) If the answer to (b) be in the affirmative, what are the reasons of reducing his pay? Under what law it has been done so? Will he be again granted concession or it has been done only for the reason of his being about to retire?

THE HON'BLE MR. WAJAHAT HUSSAIN: (a) There are fifteen Head Masters and fifteen Second Masters in the High Schools of Jammu and Kashmir State. There are three Muslim Head Masters and one Muslim Second Master.

(b) Yes.

(c) He was not permanent in the grade of Rs. 109 and as he is only a matriculate J. A. V. he cannot be made permanent in this grade. Rather the pay he is drawing at present is more than he deserves.

448. LALA HANS RAJ (Jammu Wazarat: Hindu): (*Vide* question No. 581 put in Srinagar Session of the Praja Sabha held on

21st October 1936): (a) Why has not Lala Hira Nand, Mulberry Assistant, Kashmir Sericulture who was retrenched 4½ years ago, so far been appointed on any vacancy according to the orders of His Highness the Maharaja Bahadur?

(b) Is it a fact that the post of Lala Sain Dass has long since been vacant in the Jammu Sericulture Department and the post of Pandit Lachhman Koul retired from Kashmir Sericulture has not yet been filled? Besides, why was Hira Nand ignored at the time of the appointment of the untrained brother of Balbhadhar who is in the Revenue Department?

COLONEL BALDEV SINGH PATHANIA: (a) Lala Hira Nand could not be re-employed because just prior to his retrenchment some cases had come to light in which he had mis-appropriated Government money and prepared fictitious claims. If he had been prosecuted legally for these cases, he should have been convicted and sentenced to imprisonment.

(b) In view of the above this does not arise.

LALA HANS RAJ: Was he pardoned or further legal action was withheld for fear of bringing the matter to light as he was innocent. Was mercy shown to him?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): (Addressing the Hon'ble Revenue Minister) The question is why was he not prosecuted?

THE HON'BLE MR. K. N. KNOX: I do not know why he was not prosecuted. It happened long before my time.

LALA HANS RAJ: Can I bring this matter to your honour's notice? (Laughter)

LALA AMAR NATH KOHLI: Will the Minister concerned try to supply the information by holding further enquiry. He has stated that he has no knowledge of the fact as to why the man was not prosecuted?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Will an enquiry be made?

THE HON'BLE MR. K. N. KNOX: No Sir, I have no intention.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): No enquiry will be made.

MR. M. A. BEG: What are the reasons?

THE HON'BLE MR. K. N. KNOX: Sir, if I go on making enquiries about all the matters which happened before my time, I shall have no time to do my current work at all.

MAJOR GENERAL JANAK SINGH JI: Old cases cannot be renewed.

449. LALA HANS RAJ: In reply to part (c) No. 1 of my question No. 581 asked in the last October 1936 Session of the Praja Sabha held in Srinagar it was stated that sanction has been accorded for the audit of the travelling allowance bill of Hira Nand

amounting to Rs. 33-12-0 for the month of Sawan 1936.

(a) Is it a fact that it is a practice in the Sericulture Department to audit travelling allowance bills after a lapse of seven years?

(b) If the answer be in the negative, what are the reasons for treating the bill of Lala Hira Nand like that?

II. When was sanction accorded for the audit of Lala Hira Nand's bill?

III. What stage has the auditing of the other bill of Rs. 33-12-0 reached?

IV. What are the reasons for the non-payment of this bill to Lala Hira Nand, even up to the present day?

Will Government please state how can a man afford to provide himself and his family with means of support and livelihood when Government has ignored his twenty-three years flawless service and has not considered so far his claims to either pension or commission?

COLONEL BALDEV SINGH PATHANAI: *1st part*:— Yes.

(a) No.

(b) The bill referred to by the Praja Sabha Sad was kept by Mr. H. K. Lal, late Director Kashmir Sericulture.

II. On 2nd October 1936.

III. The remaining bills of Lala Hira Nand were found fictitious, hence disallowed by the late Director Kashmir Sericulture.

IV. In view of reply to part III above, this part does not arise.

Under existing orders of Government Mulberry Staff in Kashmir is not entitled to either commission or pension.

LALA HANS RAJ: If those bills were fictitious why was he not prosecuted?

THE HON'BLE MR. K. N. KNOX: Probably these were not worth while, Sir.

450. LALA HANS RAJ: In reply to the supplementary question asked by Sardar Budh Singh the Hon'ble President was pleased to state that enquiries will be made. If enquiries have been made, the papers pertaining to the same may please be placed on the table of the House?

(a) Are commissions also granted in the Sericulture Department? If so, why has Lala Hira Nand not been granted any commission?

(b) What are the reasons for retiring an experienced person like Lala Hira Nand for no fault of his and appointing Pandit Shini Dhar on the same pay on that post?

(c) Has not Lala Hira Nand made repeated applications stating in detail his claims regarding travelling allowance bills which have not been paid to him so far, inspite of the fact that a period of seven years has elapsed since?

(ii) Has any explanation been called for by the Hon'ble Revenue Minister from the Sericulture Department for the many irregularities of theirs which have been brought to his notice?

If the answer be in the affirmative, will the papers be put on the table of the House?

COLONEL BALDEV SINGH PATHANIA: The information asked for in the supplementary question put up by Sardar Budh Singh has already been supplied to be placed on the table of the Praja Sabha Sad.

(a) *1st part.*—Sometimes.

2nd part.—Lala Hira Nand was on the Mulberry Staff and officials on the Mulberry Staff are not granted any commission.

(b) Lala Hira Nand's post was retrenched. It is not a fact that Pt. Shridhar was appointed in place of Lala Hira Nand.

(c) Yes. Only one bill was found tenable and the Director Sericulture has already been asked to arrange payment thereof.

(ii) No irregularity has been committed by the Sericulture Department hence the question does not arise.

451. LALA HANS RAJ: Will Government place on the table of the House the report of the Commission according to the recommendations of which (a) an experienced man like Lala Hira Nand was brought under reduction and an inexperienced person was appointed in his stead?

(b) Did the Sericulture Department put before the Commission any special reasons for retrenching Lala Hira Nand? If so, the same may be placed before the House?

(c) Was Pandit Data Kishen Kichlu attached with Pandit Jiwan Nath Kaul, Mulberry Assistant, to receive Mulberry training from him? If the answer be in the affirmative, what action has Government taken for such improper procedure whereby Lala Hira Nand was retrenched and in his place an inexperienced man Pandit Data Kishen was appointed and later dismissing Pandit Data Kishen Pandit Shri Dhar Badam was appointed in his stead?

(d) Will Government read out and place on the table of the House also the Hon'ble Revenue Minister's letter No. 446, dated June 5, 1933 together with the concerned papers and the orders of Chief Minister No. J. B. 980, dated 17th June 1933, as also letters of the Deputy Director Mulberry (Sericulture) No. 808/24, dated 11th February 1933 and No. 410, dated 5th December 1932?

COLONEL BALDEV SINGH PATHANIA: (a) Lala Hira Nand was not retrenched on the direct recommendation of any commission. It was because the post which he held was retrenched in connection with general retrenchment which affected him indirectly as well as certain other officials in other Government Departments.

The 2nd part of this question does not arise as none was appointed in place of Lala Hira Nand.

(b) Lal Hira Nand would have been dismissed for certain defalcations and submission of fictitious travelling allowance bills, but by the reduction of his post under stress of economy he escaped dismissal.

(c) Yes, for a period of about 2 months. Pandit Data Kishen was appointed in the vacancy caused by the retrenchment of Pandit Tara Chand Zutshi and not in place of Lala Hira Nand. The Director Kashmir Sericulture's action was not irregular. Pt. Shridhar Badam succeeded Pt. Data Kishen.

LALA HANS RAJ: I have not yet finished my question, Sir.

My submission is whether he continued to receive his pay for two years even after the defalcation report had been received?

THE HON'BLE MR. K. N. KNOX: I have no information, Sir.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): He says he does not know.

LALA HANS RAJ: This is a fact that he had been receiving his salary.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): The answer has been given to you, you may agree to it or not.

LALA HANS RAJ: Why was Lala Hira Nand paid two months' salary when a year after the retrenchment of his post he represented his case to the late Hon'ble Revenue Minister?

Why was he not prosecuted when it is serious offence and why was his pay not withheld?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): These are all new questions.

LALA HANS RAJ: Sir, his is a pitiable case. Is there any remedy for it or not?

LALA SHIV NATH NANDA: I hope the Hon'ble Revenue Minister will take all these things into consideration when you will see him in this connection.

LALA HANS RAJ: Sir,

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Please sit down, now.

MIAN AHMED YAR: Was Mr. Data Kishen a new entrant or else did his name exist on the waiting list?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): This is a new question.

452. LALA HANS RAJ: (a) Government always impress upon the public the necessity of maintaining peace and order, are the present communal disturbances, caused by the lack of attention of deliberate negligence on the part of the Government?

(b) If the Government attributes such disturbances to the public, why then severe punishment is not inflicted upon the mischief-mongers so that peace and order may be maintained in future?

(c) Have the Government employees also been taking part

in creating such disturbances or was it on their instigation that it was being so done?

If the answer to the above be in the negative, are Government prepared to appoint a commission so that it could be ascertained as to how far the Government employees have been responsible for creating such disturbances?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister):
(a) The Government are aware that any communal disturbances are taking place at present.

(b) Does not arise.

(c) Does not arise.

NOTE.—After the reply to this question was read out, Lala Hans Raj remarked:—

What a truth it is, may God help it.

God alone will set it right, and none else will do so.

453. LALA AMAR NATH KOHLI (Jammu City North: Hindu):
Is it a policy of the Government to prefer local products to others wherever possible and to prefer Indian made articles to any foreign product wherever possible? If so, a definite statement may be made to this effect and all the departments informed accordingly? If this be so, a statement may also be made that empire products may be preferred to other foreign goods wherever possible?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister):
Local products are preferred to outside products as far as possible. As regards grant of preference to articles of Indian manufacture over foreign products, it may be stated that Government cannot undertake to give a larger measure of preference or protection to Indian products than what the Government of India does, as the State tariff follows generally the British Indian Tariff. Empire products have been receiving preference under the Ottawa Agreement.

454. LALA AMAR NATH KOHLI: Will Hon'ble the Minister-in-charge publicity be pleased to inform the House as to the following:—

(a) What was the number of cutting from newspapers which were sent for proper action being taken on the note, to the Government by the Department?

(b) What is the number of individuals employed in the Department?

(c) What was the number of cases sent by the Publicity Department on which the concerned Department thought it fit to take any action?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister):
(a) 2,204 from 15th October, 1935 to 15th March, 1937.

(b) One Deputy Secretary Publicity, one Publicity Officer, 6 clerks and 2 peons.

(c) Numbers not ascertainable but suitable action is usually taken by the authorities concerned in all cases in which action is called for.

455. LALA SHIV NATH NANDA: (a) Does the Government know that the trading community in the State is in a fix for not knowing the possibility and time by which the State may or may not remove the Customs duty on joining the Federation?

(b) Will the Government therefore consider the advisability of making a statement that the public shall be informed six months prior to the date on which the Customs duty is to be removed, if it is to be removed at all?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister): The Trading community need have no anxiety on the point. If the Customs are abolished due notice would be given to the trading community beforehand.

LALA AMAR NATH KOHLI: How much time before will the notice be given?

LALA HAVELI RAM: As much time as will be proper.

456. WAZIR GANGA RAM (Riasi: Hindu): (a) Will Government please hold an inquiry either by appointing a Commission consisting of half the number of official and half that of the non-official members in equal proportion or by devising some other means to ascertain as to how many fresh taxes were imposed on the subjects of Jammu and Kashmir State and what addition in the old taxes was made from time to time?

(b) How far was the Government justified in imposing these taxes?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister): (a) Attention of the member is invited to the answer given to question No. 546 replied on 20th October 1936 in which the requisite information has already been supplied to the House. It is not therefore necessary to hold any fresh enquiry for the purpose in view. Possession tax on cars has already been abolished and only water tax and income tax remain in force.

(b) Water tax is a payment for the value received whereas the income tax falls on richer classes only. These taxes are levied everywhere and the Government feel that they are fully justified in imposing these taxes.

457. WAZIR GANGA RAM: Is it a fact that this year the inhabitants of village Kanthpura, District Jammu, were put to great difficulty on account of the mock fighting arranged by the Military Camp, so much so that, even the roof of a house of a zamindar was blown away?

If the reply be in the affirmative, will Government please adopt some suitable measures so that, in future, the people may get rid of these difficulties and will they compensate the said zamindar?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister):

Essential Army training was carried out in the area of Kanthpura during the year as in other areas. The people were put to no unnecessary trouble, if any at all. No house was damaged in Kanthpura.

The roof of a house (which was empty at the time) was damaged by a shell in the village of Dungian 2 miles east of Bahu fort. The question of paying compensation to the owner of the house has been referred to the Governor of Jammu.

458. WAZIR GANGA RAM: Will Government please state what facilities have been provided to the zamindars by spending from the amount realized in the form of Sanitation tax? If no useful work has been done for the zamindars, why has this additional burden been put on the zamindars.

COLONEL BALDEV SINGH PATHANIA: Sanitation Cess has been levied in order to improve sanitary conditions of the Mufassil as a whole which benefits zamindars both directly and indirectly.

459. WAZIR GANGA RAM: Is it a fact that in proportion to their population the Harijans are very meagrely represented in Government services? If the reply be in the affirmative, will Government please state as to what means have they adopted for making up their deficiency in the Government services?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister): Yes, but considering the number of educated members of this community Government do not believe that they are so meagrely represented. Special scholarships have been provided for the educational advancement of the community; and the Government are anxious to recruit its members in larger numbers.

460. WAZIR GANGA RAM: Are Government prepared to introduce in the next session of the Praja Sabha a bill similar to the Factory Labour Law of the British Government? If not, why not?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister): The question is vague. The term "Labour Law" may include any of the legislative acts as Factory Acts, Compensation Act and the like. There are not very many large scale factories in the State to warrant the introduction of various labour protection measures introduced in British India, where highly organised industries like cotton and jute mills exist.

461. WAZIR GANGA RAM: Is it a fact that the Government intend laying out the railway line upto Akhnoor? If the reply be in the affirmative, will Government provide facilities to the inhabitants of Jammu city by constructing a Railway Station in Mohalla Rehari or any other suitable place near the city?

COLONEL BALDEV SINGH PATHANIA: The request to provide a Railway Station in Mohallah Rehari or any other suitable place near the city will be forwarded to the Committee for consideration when submitting their report.

462. SARDAR KANHAYA SINGH (West Kashmir: Sikh): In reply to Q. D. No. 425 (Volume 4, page 24, of the Jammu and Kashmir Praja Sabha Debates) asked by Ch. Chatter Singh it was stated by the Hon'ble Home Minister that from 1985 onwards Rs. 5,000 were annually granted to the Rajput students in the form of scholarships a statement of which was placed before the House.

Will Government please state as to why the Sikh Rajputs, Sikh Jats and other Sikhs are, by reason of their being backward in education, not treated in the like manner, when the Sikhs have been rendering services superior to the Rajputs? It may also be stated as to why are the Sikhs ignored as regards educational and other concessions when they too are proud of being the subjects of His Highness the Maharaja Bahadur?

THE HON'BLE MR. WAJAHAT HUSSAIN: (a) Yes.

(b) Rs. 2,308 have been sanctioned for the Sikhs annually. Government never hesitated to grant aid to the Sikhs, and this is the reason that their children have taken preference over other communities in this State, as would appear from the following statement:—

1. Hindu students	...	...	41.43 per cent.
2. Muslim students	...	...	25.13 „
3. Budh students	...	...	11.82 „
4. Christian students	...	...	50.56 „
5. Sikh students	...	...	89.43 „

SARDAR KANHAYA SINGH: Was any special aid other than the grant of rupees twenty-three hundred provided for the Sikh community or whether the Sikhs acquired education through their own endeavours?

THE HON'BLE MR. WAJAHAT HUSSAIN: They received education mostly with the Government aid.

SARDAR KANHAYA SINGH: My submission is as to whether the Government granted them any other aid besides rupees twenty-three hundred (which amount was granted to both)?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Sardar Sahib, this is entirely a new question.

463. SARDAR KANHAYA SINGH: Roads have not been constructed for the extension of Baramulla town since the establishment of the Town Area Committee uptil now.

Is it a fact that the inhabitants of certain parts of Town Area had submitted 2½ years ago many applications for special roads to the President of the Town Area Committee through the Tehsildar, Baramulla and that similarly zamindars of Kanjli Bagh, Ashokara had also submitted applications that there being no road for coming and going to Narwa they are in need of a road fit for wheel traffic? Will Government please state as to what ac-

tion has been taken on these papers?

COLONEL BALDEV SINGH PATHANIA: *1st part.*—Four roads pass through the Town Area limits Baramulla of which two are maintained by Public Works Department and two by the Revenue Department (Road Cess).

2nd part.—No. The honourable member who has put the question has recently submitted an application for construction of a new road, which is under the consideration of the Town Area Committee.

The road to Narwa is maintained by the Public Works Department and there is no road in Baramulla to be maintained by the Town Area Committee.

464. SARDAR KANHAYA SINGH: The Police Department when inviting applications for filling up the posts of Assistant Sub-Inspectors Police, fixed the minimum qualification required therefor to be Matric, but in the recent advertisement for the same post they have raised the standard of qualification to LL. B. Will Government please state as to whether any modification has been made in the recommendation of the Glancy Commission, wherein, in view of the educational backwardness of the people the qualification of having passed the Matriculation examination has been admitted as the minimum standard for eligibility in the Government services? If high educational qualifications could be the only passport to Government services, what other avenue is open to the backward communities to make progress. How is it here so when even in British Illaqa the requisite qualification for this post is to have passed the Matriculation examination? Will Government please state as to whether it is the recommendation of the Glancy Commission or the order of the Inspector General of Police which has to be carried into effect?

THE HON'BLE MR. WAJAHAT HUSSAIN: The advertisement referred to was intended for recruitment of candidates to the Prosecution Branch for which no minimum qualification is fixed in the report of the Glancy Commission. The exigencies of service in this branch require that the selection should be confined to law graduates. The matriculation standard is fixed for appointment to the executive police force.

465. SARDAR KANHAYA SINGH: (a) Is it a fact that most of the lent officers whose services are secured by the Kashmir Government for a fixed period, go back after the expiry of their term?

(b) Is it a fact that in order to impress upon the Government certain Government officers get propaganda done in their favour for getting their period of service in Kashmir extended?

(c) If in fact such a practice exist, will Government put a stop to it?

(d) Is not such a practice prejudicial to the rights of the ex-

perienced and qualified officers of the State?

(e) If the answer be in the affirmative, what do Government intend doing in this behalf in future?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister):

(a) Yes.

(b) No.

(c), (d) and (e) Do not arise.

466. SARDAR KANHAYA SINGH: There were certain such cases (files) before the State-subject Inquiry Committees which, on account of greater amount of work, have been summarily dealt with and confirmed. With regard to such files, it has been decided in the courts in British India that such and such person is a British subject and not a State-subject?

Will Government please state as to whether they are prepared to sift the true from the false if a few of such files, about which the decision of two different courts exist, are brought before them for revision?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister): The question is a hypothetical one not admitting of a definite answer. The decisions of the Commissions are final and no appeal against them lies.

SARDAR KANHAYA SINGH: Will it be considered if the Small Cause Court judgments be made available?

LALA HAVELI RAM: It has been stated in reply that this is a hypothetical question.

SARDAR KANHAYA SINGH: My submission is whether this matter will be considered in case it is not a hypothetical proposition and on the other hand it is based on court judgments and written documents.

NOTE. No reply was given.

467. HAJI AHMEDULLAH SHAHDAD: Are Government aware that the people are experiencing great difficulty for want of a metalled road between Gandarbal and Sonmarg? Will Government remove the complaint of the travellers, visitors and the inhabitants of this part of the country by constructing a metalled road there?

THE HON'BLE MR. WAJAHAT HUSSAIN: The member is referred to reply given to his question No. 631 of the last session.

468. LALA SHIV NATH NANDA: Will Government please clear their position by replying, for the information of the peaceful subjects, the following questions pertaining to the judgment on Mattan dispute case?

(a) Was any meeting of the Muslim Conference held against Lala Bindraban, Special Magistrate, who has pronounced judgment in the Mattan dispute case?

(b) Is it a fact that in this meeting contemptuous words

were used against the judgment of the court and that the words "he will be put to death", "he should be beheaded", "shame, shame" etc. were used against the learned Magistrate?

(c) Is it a fact that the copy of this judgment was consigned to the flames in this meeting and the Moham-medans spat on the judgment?

(d) Is it a fact that on the 9th February 1937, the Moham-medans took out a funeral procession of the judgment on the Mattan dispute, the procession went round the whole city and revolutionary slogans were raised against the Government as well as the Hindu officers, and taunting-shouts of "Down with Lala Bindraban" were raised and speeches against the Hindus were also made? (*Vide* "The Amar" Jammu, dated 3rd Phagan 1993).

(e) Do the above incidents not constitute a deliberate contempt of the Government?

(f) Is it a fact that the Government instead of taking legal action, for maintaining up their dignity, against those who made inflammatory speeches so that no body would venture to break law in future, telegraphically transferred Lala Bindraban (who delivered an impartial and equitable judgment) to Bhadar-wah?

(g) Is it a fact that in the presence of law and order and the Criminal Law Amendment Bill (surnamed as "Black Bill" by the Muslims), the lives of even the Judicial officers could not be saved and that it has caused grave anxiety in the minds of the people and loyal subjects?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister):

(a) Yes.

(b) Yes, objectionable slogans such as "shame", "Murdabad" etc. were used against Lala Bindraban in the meeting.

(c) Printed posters issued by certain Muslim bodies show that the judgment was consigned to the flames and spat upon.

(d) Yes, a funeral procession was taken out in the city and objectionable slogans were used en-route.

(e) Speeches delivered outside the court after the trial of a case do not amount to contempt of court as defined in the Ranbir Penal Code.

(f) A prosecution was launched against one Ghulam Mohammed Zargar under section 108, Ranbir Penal Code. He was convicted by the trial court but acquitted by the Sessions Court on appeal. Lala Bindraban was transferred from Srinagar in the interests of

administration.

(g) The lives of Judicial officers are as safe as ever. Apprehensions caused in the minds of the public are unfounded.

469. LALA SHIV NATH NANDA: (a) Is it a fact that in a notice was published by the Inspector General in the Government Gazette dated the 10th December 1936 (26th Maghar 1993) for inviting tenders for the supply of the following cloths for the Uniforms for the Police Department:—

(1) Warm Serge cloth for suits, (2) Khaki Drill cloth shade 1 for Kurtas etc., (3) Woollen Jersies, (4) Woollen Socks, (5) Warm Serge Pattis, (6) Cotton Pattis, (7) Twill Basloo cloth, (8) Safas of blue cloth for turbans, (9) cloth for great coats etc. ?

(b) Is it a fact that it was contained in the notice that only such local firms as manufacture these articles could send the samples and that the tenders of such firms only would be accepted ?

(c) Will it be stated as to whether there are any such companies or firms which manufacture articles like serge cloth etc. in any factory within the State ?

(d) If the reply to part (c) be this that there is no such company or firm in the State, will it be explained as to what was the intention of the Department in issuing this notice, did it not create a misunderstanding among the State-subject contractors and as a result of this misunderstanding, was not in accordance with this notice any tender received by the department ?

(e) Is it a fact that instead of inviting tenders again by correcting the wording of the notice advertising it according to the recommendation of the Glancy Commission report on the receipt of only one irregular tender a contract of uniform worth thousands of rupees was granted to one person only ?

(f) Is it also a fact that many complaints relating to this deliberate and improper action of the department were submitted by the State contractors to the Hon'ble Home Minister and then Inspector General of Police ? If the reply to part (f) be in the affirmative, will it be stated as to what action has been taken on these complaints ?

(g) Will Government keeping these just complaints in view invite fresh tenders by cancelling this tender which has incurred loss even to the Government ?

If the reply be in the negative, the reasons for it may be stated and it may also be stated as to who is responsible for committing this mistake and what action has been taken against him ?

THE HON'BLE MR. WAJAHAT HUSSAIN: (a) Yes.

(b) Yes.

(c) Serge cloth as many other articles of uniforms is manufactured in the State.

(d) Does not arise.

(e) Does not arise.

(f) A petition signed by a few tailors of Jammu regarding the supply of great coats was received by the Inspector General of Police. It was found malicious and groundless.

(g) Does not arise.

LALA SHIV NATH NANDA: Will you please state as to where "serge" is *manufactured*?

THE HON'BLE MR. WAJAHAT HUSSAIN: It is manufactured in the Sri Pratap Mills, Srinagar.

LALA SHIV NATH NANDA: Are serge and drill cloth both manufactured there?

THE HON'BLE MR. WAJAHAT HUSSAIN: I have said about serge only.

LALA SHIV NATH NANDA: I want reply regarding drill cloth. In the question serge and drill cloth both have been referred to, but the reply has been given only regarding serge.

THE HON'BLE MR. WAJAHAT HUSSAIN: Only serge is manufactured, drill is not manufactured in the State.

470. LALA SHIV NATH NANDA: (a) Is it a fact that the Government published a notification No. 22-G., dated 24th November 1932, to the effect that free medical advice would be provided by the Medical Department to Government employees during their illness?

(b) If the answer be in the affirmative, will the Hon'ble Home Minister please state how many Government employees have so far been benefited subsequent to the publication of the above notification? The number of gazetted and non-gazetted employees may please be stated in this behalf? If in the reply it may be found that the number of non-gazetted employees is less, reasons for it may please be stated?

THE HON'BLE MR. WAJAHAT HUSSAIN: (a) Yes.

(b) It is not possible to give reply to this question because no separate statistics are maintained in the hospitals and dispensaries for the purpose of furnishing the desired information.

471. LALA SHIV NATH NANDA: Will the Government please state as to why the Superintendents in the Secretariat are deprived of this benefit when the Demonstrators in the Colleges, the Head Masters of the High Schools and the Assistant Inspectors who are not drawing more than Rs. 200 per mensem have been declared to be the gazetted officers? If the reply be in the negative, will Government please declare the Superintendents of the Secretariat to be gazetted officers?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister): Considering the nature of their work Government do not consider it necessary to make Superintendents gazetted officers.

472. SHEIKH MOHAMMED AMIN (Jammu City: Muslim): Is it a fact that there is no sub-overseer class in the Jammu Technical School ?

If the answer be in the affirmative, will Hon'ble Home Minister please, in view of the necessity and when there are other classes in the Technical School, remove this deficiency by starting sub-overseer class and thus oblige the public ?

THE HON'BLE MR. WAJAHAT HUSSAIN: There is no sub-overseer class in the Technical School at Jammu, nor is there any need of it.

SHEIKH MOHAMMED AMIN: What are the reasons for there being no necessity ?

THE HON'BLE MR. WAJAHAT HUSSAIN: The necessity was not felt.

PANDIT LOK NATH SHARMA: Because it is very cold in Kashmir.

473. LALA RAM LAL (Poonch: Hindu): (a) Is it a fact that the Kashmir Government issued a communique that the Mirpur-Kotli-Poonch Road will be joined to Uri and that the communique was published in Jammu and Kashmir Gazette dated 15th Poh 1989 ?

(b) If the answer to part (a) be in the affirmative, it may please be stated whether the Poonch Government has extended the road to Haji Pir the Poonch boundary in accordance with the communique ?

(c) If the answer to part (b) be in the affirmative, or otherwise in view of the communique why have not the Kashmir Government in accordance with the communique extended the road from Haji Pir to Uri ? The reasons may please be stated in detail and it may also be stated whether the Kashmir Government is now prepared to extend the road from Haji Pir to Uri, as early as possible or not ? If not, the reasons therefor may please be stated in detail.

THE HON'BLE MR. WAJAHAT HUSSAIN: (a) Yes.

(b) Yes.

(c) The estimates are being prepared. It has been stated on several occasions that the Uri Road will be constructed only after other more important roads have been constructed.

LALA RAM LAL: Sir, I have to ask a supplementary question. In determining which roads are important, are the difficulties of the public or those of the Government kept in view ?

PANDIT AMAR NATH KAK: It is a matter of opinion.

THE HON'BLE MR. WAJAHAT HUSSAIN: Yes, difficulties of the public are kept in view.

LALA RAM LAL: Public is experiencing great troubles.

THE HON'BLE MR. WAJAHAT HUSSAIN: It is what you say.

474. LALA RAM LAL: (a) It may please be stated that from

1975 to the present day how many laws have been enacted to safeguard the rights of the zamindars and it may also please be stated whether the zamindar class have been made happier by the promulgation of such laws or not? It may also be stated whether by the promulgation of laws safeguarding the interests of the zamindars were any other class harmed or not?

(b) If the answer to part (a) be that those laws which were enacted to safeguard the rights of the zamindars have not bettered the lot of the zamindars and some particular classes were harmed by their promulgation?

(c) And if the reply to part (b) be also in the affirmative, it may please be stated whether in future the Kashmir Government are prepared to dispense with the policy that has not benefited the zamindars but has harmed some other classes and are they prepared to adopt means whereby the condition of the zamindars could be improved?

COLONEL BALDEV SINGH PATHANIA: (a) *1st part.*—Seven.

2nd part.—I hope so.

3rd part.—The Agriculturist Relief Regulation that put a check on the usurious rates of interest previously charged by money lenders naturally affected them adversely. Otherwise the interests of no other class were prejudiced.

(b) and (c) Do not arise.

LALA RAM LAL: Is the Shahukar of this place realizing more interest than the Shahukar in the Punjab and India?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Please do not argue.

LALA RAM LAL: I am not arguing, Sir.

THE HON'BLE MR. K. N. KNOX: I have no information.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): The answer has been given.

475. LALA RAM LAL: (a) Is it a fact that at the time of making appointments in the State considerations of merit are ignored and vacancies are filled by untrained men on communal grounds?

(b) If the answer to part (a) be in the affirmative, it may please be stated whether such considerations can be beneficial to the Government? If so, how? If not, are Kashmir Government prepared to dispense with the present policy of disregarding merit or not? If not, the reasons therefor may please be stated in detail?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister):

(a) No.

(b) Does not arise.

476. LALA RAM LAL: (a) Is it a fact that since the establishment of Town Area Committee in Poonch the number of electric lamps in the city has gone down compared with the number of lamps there before?

(b) If the answer to part (a) be in the affirmative, it may please be stated what number of lamps has been reduced and it may also be stated whether there is enough light in the streets and on the roads when the lamps at present are at a greater distance in Poonch than they are in Jammu and Srinagar?

(c) If the answer to (b) be in the affirmative, is the Poonch Town Area Committee prepared to supply electric lamps on the road sides and in the streets of Poonch as is done in the Jammu and Srinagar cities?

If not, the reasons in detail may please be stated?

WAZIR FERAZ CHAND (Wazir Poonch, on behalf of the Hon'ble Revenue Minister): (a) Yes.

(b) 65 lamps have been reduced as these were mostly unnecessary. All main roads and important lanes and streets have sufficient light.

(c) The question does not arise.

LALA RAM LAL: In part (c) of my question I had asked whether Poonch administration is also prepared to supply electric lamps just as it is done in the cities of Jammu and Srinagar.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Even without this sufficient light is already available there, so the question does not arise.

LALA RAM LAL: (Repeats the question).

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): You have not followed.

LALA RAM LAL: Sir, I have not followed.

477. LALA RAM LAL: (a) It may please be stated what used to be the status of the officers appointed in the State Demarcation Department for fixing the pillars and fixing the boundary lines for Shikargahs and what used to be their maximum and minimum pay and what pay are these officers drawing in Poonch?

(b) If the reply to the last part of the question be that as against the pays in the State the pays given to the Demarcation Officers in Poonch are higher, it may please be stated whether the Demarcation Officers of the type working in Poonch at present could not be available from Illaqa Poonch? If they are available then why are the services of the officers secured from the State as lent officers and the Illaqa weighed with the burden of their heavy pays? The reason therefor may please be stated in detail?

WAZIR FERAZ CHAND (Wazir Poonch): (a) When the original demarcation work was done in the State officers of the rank of Assistant Settlement Officers and Divisional Forest Officers were appointed as Passing Officers. The minimum pay of these officers was Rs. 250. So far as the maximum pay of these officers goes it was not uniform and in some cases it went to Rs. 400. In the last revision of the demarcation in the Muzaffarabad District,

Senior Range Officers and Tehsildars drawing between Rs. 150 and Rs. 200 per mensem were appointed as the work of revision was much easier and simpler than the original demarcation. The services of the Demarcation Officers of the Poonch Illaqa have been taken on loan from His Highness' Government. They are paid Rs. 250 per mensem (their pay in the State) plus Rs. 100 as deputation allowance.

(b) Taking the average of the pay given in the State to the Demarcation Officers and that given here there does not seem any appreciable difference and therefore the question does not arise. It may however be observed that the demarcation of the forests of this Illaqa as now being done is original in nature and accordingly it had to be got done by officers of good standing and experience like the present Demarcation Officers. In Poonch we have not got officers of such rank and experience and therefore the necessity of taking the services of present officers from the State arose.

LALA RAM LAL: Sir, I had asked what pay is given to those who fix the pillars?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): What is your question?

LALA RAM LAL: My question has not been replied. I had asked what pay is given to those who fix pillars and boundary lines?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Which was your original question (a), (b) or (c)?

MIRZA M. A. BEG: He means "a".

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): I am sorry. Is it 477? You had asked about the boundary lines.

LALA RAM LAL: What I mean, Sir, is how many employees get this pay?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Is it Urdu copy or English copy that you are referring? The word "demarcation" is written here.

LALA RAM LAL: I have asked whether those persons who fix the pillars are paid?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): I do not follow it.

THE HON'BLE MR. K. N. KNOX: Sir, I think that is a complete answer.

LALA RAM LAL: Yes, Sir, it is so because you have approved it.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): The question was about boundary lines and pillars, is that the same thing or different thing?

WAZIR FERAZ CHAND (Wazir Poonch): That is the same thing.

LALA RAM LAL: What work has been done by your Engineers who are of 25 years standing.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): He says that there are no such Engineers.

478. MIRZA M. A. BEG (Anantnag: Muslim): (a) What is the total number of Kahcharai area within the Town Area limits of Anantnag (with the exception of village Sarnal) and what amount of Kahcharai fee is being realized from the inhabitants of the town ?

(b) If the Kahcharai area is nil and the Kahcharai fee is being realized there, what are the reasons therefor ?

(c) If the reason of the realization of Kahcharai fee be that the cattle of Anantnag are taken to the adjacent villages for grazing purposes, it may please be stated whether the Kahcharai fee for such area is being realized from the inhabitants of these villages ?

(d) If the answer to (c) be in the affirmative, the reasons may please be stated ?

(e) Does the Government know that the owners of the cattle within the Town Area limits purchase grass from bazar and on principle Kahcharai fee ought not to have been charged from them ?

(f) If the answer to (e) be in the affirmative, will Government please remit the Kahcharai fee within the Town Area limits ?

COLONEL BALDEV SINGH PATHANIA: (a) Sarnal forms a part of the Town Area and cannot be treated as a village by itself. The total Kahcharai area is 164 kanals and 13 marlas. The total grazing tax levied is Rs. 1,043-6-9.

(b) Does not arise.

(c) As there are no other pastures reserved for grazing purposes in the town, the area of 164 kanals 13 marlas is reserved for Anantnag and Sarnal together.

(d) Does not arise.

(e) Cattle owners are free to avail of the grazing facilities provided by the Government during day time. For the night, all cattle owners have to purchase fodder and grass.

(f) Government will consider the matter when the Revenue Minister takes up the Kahcharai Bill. If the figures given in (a) are to be taken at their face value, the tax in Anantnag is certainly far too high.

MIRZA M. A. BEG: Sir, I want to ask a question. Have you included the village Sarnal in the Kahcharai area of Anantnag and imposed taxes. Is tax being realized from the inhabitants of Anantnag for that area ?

THE HON'BLE MR. K. N. KNOX: I do not understand it.

MIRZA M. A. BEG: My question was whether this tax is realized for the same area from both town people and Sarnal

people.

THE HON'BLE MR. K. N. KNOX: Sarnal is not separated from the grazing places of Anantnag and the tax is included in it.

MIRZA M. A. BEG: Is the tax being realized for the grazing grounds of Anantnag as well as of this village ?

THE HON'BLE MR. K. N. KNOX: The grazing tax is not levied on the area but it is levied on the cattle.

MIRZA M. A. BEG: Was the village of Sarnal included at the time of assessment? What I mean is, whether it was included in Anantnag ?

THE HON'BLE MR. K. N. KNOX: I do not know, Sir.

479. MIRZA M. A. BEG: (a) Does the Government know that for long there had been a Niabat at Doru (Anantnag) which has been removed now ?

(b) Is it a fact that the inhabitants of Doru and Verinag have to undergo much trouble and difficulty especially in winter and sometimes have to travel thirty miles distance through the impassable paths to attend the Naib-Tehsildars' Court at Anantnag ?

(c) Have these inhabitants submitted any petitions to the concerned Hon'ble Minister for the re-establishment of a Niabat there ?

(d) Will the Government please re-establish Niabat at Doru and thus relieve the people of these troubles ?

(e) Does not the Government consider that even the establishment of the Court of a Naib-Tehsildar (Second Class Magistrate) there can be much beneficial to check the crimes ?

COLONEL BALDEV SINGH PATHANIA: (a) Yes.

(b) Yes, but theirs is not an exceptional case. There are localities in other Tehsils more distant and inaccessible where the people have to travel long distances covering sixty to seventy miles, through bad roads to attend a Tehsil or a Niabat Court.

(c) Yes.

(d) I will make enquiries and consider it.

(e) I doubt it.

MIRZA M. A. BEG: As regards (b) I am enquiring whether the Niabats of other Tehsils which were established since long brought under reduction ?

THE HON'BLE MR. K. N. KNOX: No, Sir.

MIRZA M. A. BEG: Then, why the Niabat of Doru is being treated like other Niabats ?

THE HON'BLE MR. K. N. KNOX : Apparently it may not be considered. I will enquire if there is any application.

MIRZA M. A. BEG: In these circumstances will the Niabat of Doru be considered as a special case as the case of Doru is different from that of the other Tehsils ?

THE HON'BLE MR. K. N. KNOX: Naturally Sir, yes, Sir.

480. MIRZA M. A. BEG: (a) Is it a fact that the land of the zamindars of Jammu and the villages Tulhar, Aishmukam, Badgam, Anantnag etc. has been brought under the Anantnag-Pahalgam road or has become a part of the road?

(b) If the reply be in the affirmative, has the revenue of this land been remitted? In what year did this land come under the road and in which year was the land-revenue remitted?

(c) If the land-revenue was not remitted the reasons for it may please be stated?

(d) Was the compensation of this land granted to the zamindars?

(e) If so, at what rate?

COLONEL BALDEV SINGH PATHANIA: As reported by the Wazir Wazarat, Anantnag, the work of widening and improving the Pahalgam road was in progress when Settlement operations were on in the Anantnag Tehsil over 15 years back. The relative files have been consigned to the records and it has not been possible, within the time available to find them out and furnish the requisite information.

Orders have, however, been issued for getting these files out of old records and on their receipt, necessary information will be supplied to the Praja Sabha Sad direct.

MIRZA M. A. BEG: Will the question of compensation be taken into consideration in accordance with the circumstances?

The Hon'ble Mr. K. N. Knox: There is no compensation condition.

MIRZA M. A. BEG: There is, Sir.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): The required information will be supplied provided it is sought in the question.

MIRZA M. A. BEG: I have also asked whether it will be considered.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Was the compensation granted or not?

481. MIRZA M. A. BEG: (a) Is it a fact that the land of the zamindars lying between Ganeshpora and Barar (Anantnag) has been included in the Martand Canal on different occasions?

(b) If the reply be in the affirmative, it may please be stated as to when and how much land has been included?

(c) Has the revenue of this land been remitted?

(d) If so, when?

(e) Has the compensation of this land been granted to the concerned zamindars?

(f) If so, at what rates and when?

COLONEL BALDEV SINGH PATHANIA: The canal was constructed in Samvat 1961 over 32 years back, and relative records are con-

signed to old records. It has not been possible to get out the concerned files and collect the necessary particulars. As soon as the files are got out, the requisite particulars will be supplied to the Praja Sabha Sad direct.

MIRZA M. A. BEG: Are the efforts to get out the files being made ?

THE HON'BLE MR. K. N. KNOX: Yes.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Have you got the reply in English or in Urdu ?

MIRZA M. A. BEG: In Urdu, Sir.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): That is the misfortune. In English it is quite clear.

482. MIRZA M. A. BEG: (a) Is it a fact that the Anjuman-i-Hanfia, Islamabad and Anjuman-i-Nusrat-ul-Islam, Islamabad submitted their representations to the Hon'ble Prime Minister at Anantnag in summer 1936 while he was touring in the Southern Wazarat ?

(b) If the answer be in the affirmative, it may please be stated what action has been taken on those representations ?

(c) Had any information regarding this been conveyed to the concerned Anjumans ? If not, why ?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister): (a) No representation of the Anjuman-i-Hanfia, Anantnag or of the Anjuman-i-Nusrat-ul-Islam, Anantnag appears to have been received, but an application signed by the member and three other citizens on behalf of the Muslim public of Anantnag was submitted to Colonel Colvin during his tour in 1936.

(b) A statement of the action taken on the requests made in this application has been placed on the table of the member.

(c) As the application was not received from these Anjumans no communication was addressed to them.

483. MIRZA M. A. BEG: Will the Hon'ble Revenue Minister perusing the answer to my question No. 395 which is contained in Volume IV, part 2nd on page 17 of the Praja Sabha Debates, please state whether (a) in reply to this it has been admitted that out of the money thus saved the charges for carrying the tri-junctional pillars from the Ghats to the village concerned were to be paid ?

(b) This has also been admitted that after deducting these charges some amount will be left over ?

(c) Is it a fact that the zamindars are now being ordered to carry stones for tri-junctional pillars from the Ghats to the villages concerned themselves ?

(d) Is the Hon'ble Revenue Minister aware of the fact that every stone is nearly six maunds in weight and they take ten to twenty labourers to carry them from Nullah and difficult rural

paths which is causing unnecessary expenditure to the zamindars?

(c) Will the Hon'ble Revenue Minister be pleased to issue order for paying for the carriage of these stones to the village out of the sum realized from the funds collected for the tri-junctional pillars as had been stated in reply to question No. 395?

COLONEL BALDEV SINGH PATHANIA: (a) and (b) I can find no such admissions in my predecessor's reply.

(c) Yes, the zamindars have to do this work themselves.

(d) If they do not wish to do this work themselves they will have to contribute money for having this work done by labourers and this will mean extra financial burden on them.

(e) It is one and the same thing whether the money saved be paid to zamindars as wages or otherwise as refund.

484. MIEZA M. A. BEG: (a) Is it a fact that some houses were burnt on account of unexpected out-break of fire in Poh 1990 in Anantnag town?

(b) Is it also a fact that the owners of these houses submitted an application for being granted timber at concession rates and that the application was recommended by the Wazir-i-Wazarat Anantnag and was forwarded to the Forest Department?

(c) If the reply be in the affirmative, it may please be stated what action has been taken on this application up to this time?

COLONEL BALDEV SINGH PATHANIA: The information is being collected and will be supplied later on in the current session.

485. PANDIT GOBIND RAM KABU: (a) Will the Government please state how many vacancies occurred there in the various offices located at the towns of Anantnag, Baramulla and Muzaffarabad during the last two years?

(b) For how many of these in each case were local men recruited?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister):

(a) Anantnag 23, Baramulla 10 and Muzaffarabad 46.

(b) Anantnag 19, Baramulla 8 and Muzaffarabad 43.

486. PANDIT GOBIND RAM KABU: (a) Will Government be pleased to lay on the table of this House the recommendations of the Salary Commission?

(b) Will the Government before passing its orders on the same give this House a chance to express its opinion on them?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister):

(a) Not now.

(b) No.

487. PANDIT GOBIND RAM KABU: Will Government please state whether it is a fact that ban on annual promotions of Government employees will be removed from Baisakh next?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister): Government have not reached a decision yet. An announcement

will be made as soon as a decision is arrived at.

PANDIT GOBIND RAM KABU: Has it not even now been decided?

LALA HAVELI RAM: The orders have not been issued as yet.

PANDIT GOBIND RAM KABU: That means a decision has been arrived at.

LALA HAVELI RAM: Perhaps it may have been arrived at, still the orders have not been issued yet.

488. KHAWAJA GHULAM MOHY-UD-DIN KHAN (Badgam : Muslim): (a) Are Government aware that in the villages of Kashmir Valley the crops of certain areas set apart by the zamindars for certain special Ziaratgahs are subscribed towards these shrines and that this practice has been going on generation after generation. Such areas the yield of which goes to these shrines are even named after the name of such shrines?

(b) Did not such areas deserve to be exempted from land-revenue?

(c) Do the Government intend to exempt these areas from the payment of land-revenue in the future?

COLONEL BALDEV SINGH PATHANIA: (a) I have no knowledge but I accept the Hon'ble Member's words for it.

(b) No.

(c) No.

489. KHAWAJA GHULAM MOHY-UD-DIN KHAN: Is it a fact that Government are contemplating to construct a Model Town or Model City to be named "Karan Nagar" around the existing Aerodrome at Damodar Karewa? If so, when is this idea likely to take practical shape?

COLONEL BALDEV SINGH PATHANIA: The Praja Sabha Sad is referred to reply given to question No. 528.

490. KHAWAJA GHULAM MOHY-UD-DIN KHAN: (a) Will the Hon'ble Minister for Education state which Text Book has been prescribed in the Primary Schools for Patwar education?

(b) Which books on Agriculture and of which authors have come up? Have these been accepted or are they under consideration?

(c) Which books on Patwar education and of which authors have been received? Have these been accepted or are under consideration?

THE HON'BLE MR. WAJAHAT HUSSAIN: (a) No book is required for Patwar training. The arrangements are being made to send the old files concerning the Patwar to the Primary Schools from the Revenue Department. The students will learn the Patwar work from them.

(b) A book named "Urdu Agriculture Primer" on Agriculture and published by Anjuman Himayat Islam was received by

my office and it was prescribed for one year. Lessons on agriculture will be included in the Urdu course in future.

(c) This question does not arise.

491. PANDIT RAM CHANDRA DOBEY (Kathua: Hindu): In reply to Q. D. No. 462, it was stated in the last sessions of the Praja Sabha on behalf of the Government that enquiries were being made by the Inspector General of Police of the State from the Amritsar Police in connection with the death of certain coolies of Kathua District, stated to have been killed in Amritsar. Will the Government please inform the House about the result of the investigation?

THE HON'BLE MR. WAJAHAT HUSSAIN: The Amritsar Police have intimated that neither any report about the incident was made at the Thana nor any individual supplied information to the Police, but, subsequently at the time of investigation the bodies were found decomposed and it was, therefore, not possible to ascertain the cause of deaths. In these circumstances, it cannot be said definitely whether the deceased had died natural or unnatural deaths.

492. PANDIT RAM CHANDRA DOBEY: In connection with the reply to my question Q. D. No. 489 of the last session, will the Government please place on the table a detailed list of such village forests of each Tehsil of Kathua District which have been demarcated so far? Will the Government also please state as to which of them have been approved after their being examined by the Divisional Forest Officer and Wazir Wazarat and whether Committees have been set up?

COLONEL BALDEV SINGH PATHANIA: (1) No village forests have been demarcated.

(2) The following village forests have been jointly inspected and approved and committees have been formed:—

Serial No.	Tehsil.	Name.	Khasra No.	Area in acres.	Remarks.
1	Kathua and Jasmargh. ...	Basantpur ..	288/276	32 acres.	Chaudhari Dalip Singh Zaildar appointed as general member.
2		Dakhnaka ...	72/1	31 ..	
3		Do.	73/18	57 ..	
4		Forlain ..	4,083	62 ..	Sardar Govind Singh Zaildar appointed as general member
5		Gati and Bakhta	4,034	65 ..	
6		Baloni ..	358/159	74 ..	Raghunath Das Zaildar appointed permanent member.
7		Sohal ..	400/241	61 ..	
8		Sad ..	596/83	25 ..	
9		Chailak —	1428/1	79 ..	Alu Lumberdar Chailak appointed permanent member.

493. PANDIT RAM CHANDRA DOBEY: In connection with my question Q D. No. 470 of last sessions about the opening of a "Rescue Home" in Jammu, will the Government please state when this scheme will be sanctioned and when the "Rescue Home" will be opened?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister): It is regretted that no definite arrangement has so far been made for the opening of Rescue Homes in the State. It is now proposed to appoint a Committee for putting up a scheme. The names of the members of the Committee will be:—

1. Finance Minister, President.
2. Pt. Ram Chandra Dobey.
3. Sh. Abdul Hamid.
4. Mian Ahmed Yar.
5. Pt. Amar Nath Kak.
6. S. Hari Singh.

494. PANDIT RAM CHANDRA DOBEY: In reply to my question Q. D. No. 479 of the last session regarding Finance Standing Committee, it was stated on behalf of the Government that the Committee has done important work in its four sittings in the last two years. Two schemes were discussed and items of expenditure on works of public utility sanctioned. Will the Government please place before the House a list of these works and as against these give details of additional sums directly sanctioned by the Government in addition to the budget in the last two years?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI (Finance Minister): A list of extra grants sanctioned by the Government during the last two years which were allowed by the Standing Finance Committee is placed on the table.

A list of items of expenditure on works of public utility which was placed before the Standing Finance Committee in September 1936 is also placed on the table.

Extra grants sanctioned during the year 1991-92 and allowed by the Standing Finance Committee on its meeting on 20th March 1935.

	Rs.	a.	p.
1. Construction of Sumbal Bridge sanctioned <i>vide</i> Hon'ble Prime Minister's No. G. B.-645, dated 6th February 1935	30,000	0	0
2. Training of S. Attar Singh as Panchayat Officer <i>vide</i> Hon'ble Prime Minister's No. 811, dated 25th February 1935	6,300	0	0

	Rs.	a.	p.
3. Printing charges of Guide Book "Kashmir" <i>vide</i> Hon'ble Prime Minister's No. G. B.-341, dated 5th December 1934	886	10	0
4. State share of contribution towards the marriage of elder daughter of late Dewan Badri Nath Ji, <i>vide</i> Hon'ble Prime Minister's No. G. B.-82, dated the 26th February 1935	6,239	13	0
5. Grant of subsidy to Nanda Bus Service for running a through daily lorry service between Delhi and Srinagar and carrying on an extensive propaganda for attracting larger number of visitors to Kashmir	2,000	0	0

Extra grants sanctioned during the year 1991-92 and allowed by the Standing Finance Committee in its meeting on 12th August 1935.

	Rs.
1. His Highness' tour to London on Silver Jubilee celebrations	3,50,000
2. Viceregal visit in 1935	1,00,000
3. Repairs to Divisional Compound Wall fencing etc. of Jhelum Forest Division	3,000
4. Compensation for land and house to Thakur Amarnath, Malkha, Kashmir	6,138
5. Allowance at Rs. 500 per mensem to the President, Jammu and Kashmir State Assembly ...	6,871
6. Sale of timber extracted by L. Lal Chand Bahri to Messrs. Hayat and Sons	30,000
7. His Highness' donation to His Excellency's Quetta Earthquake Relief Fund	10,000
8. Construction of works in connection with Aerodrome at Damodar Karewa	69,137
9. Cablegram charges	1,000
10. To meet Cholera epidemic charges	30,000

	Rs.
11. Extra grants required to meet arrear claim in respect of two clerks engaged in Srinagar and Jammu Head Post Offices for preparation of Parcel lists	15,000
12. Extra grant to meet Mukarrari of persons who rendered meritorious services in the last subversive movement	12,000
13. Extra grant for subsidy to Carpet Manufacturers	18,000
14. Extra grant for illumination materials for Exhibition	5,000
15. Extra grant as an addition to the grant sanctioned for Viceregal visit for providing high-tension line from Silk Factory	35,000
16. Extra grant for additional staff for Sri Pratap College	5,400
17. Contribution to Silver Jubilee Fund	1,00,000
18. Amount placed at the disposal of Mineral Survey Officer to supplement mining expenses, travelling allowance and contingent grants	2,000
Total ...	7,98,546

Extra grants sanctioned during the year 1992-93 and allowed by the Standing Finance Committee in its meeting on 12th March 1936.

	Rs.
1. Revision of 7 Working Plans that expire within the next 2 years	7,000
2. Payment of compensation to zamindars at Pahalgam	5,954
3. Cablegram charges	1,500
4. Suppression of Cholera	70,000
5. Grant of Life Mukarraries	10,100
6. Compensation for the lands acquired at Damodhar Aerodrome	15,000

	Rs.
7. Pay of State Surgeon and Establishment ...	19,866
8. To meet expenses State-subject Committee ...	5,373
9. Compensation for land acquired for the construction of Mirpur-Kotli Road ...	10,503
10. Refund of Income Tax ...	20,000
11. Extension of landing ground at Damodhar Karewa	13,541
12. Subscription to the Imperial Council of Agriculture Research ...	5,000
13. Payment of reward to the heirs of Mian Chirag Din, Lahore ...	7,000

Extra grants sanctioned during the year 1992-93 and allowed by the Standing Finance Committee on its meeting on 8th and 9th September 1936.

	Rs.
1. To provide a straight road behind the Amar Mahal Road ...	23,973
2. Flood Relief at Bhadarwah ...	6,570
3. Reward to competitors who will submit designs for constructions on the Boulevard ...	1,000
4. Deputation expenses of 2 candidates for training in Engineering in England ...	2,300
5. Exchange of Austin Vehicles ...	4,500
6. Construction of Air Craft Hanger at Damodar Karewa Aerodrome ...	74,900
7. Relief to zamindars of 11 villages in Kotli Tehsil who suffered from hail-storm ...	30,000
8. Additional amount required for construction of Treasury Office at Srinagar ...	1,500
9. Diversion of Chenab river to save certain villages near Akhnur from erosion ...	3,500

	Rs.
10. Compensation of land required for Mission Zenana Hospital, Baramulla	4,370
11. Mukarraries in connection with services rendered during disturbances	6,088
12. His Highness' donation towards All-India Memorial of His Majesty King George V	5,000
13. Expenditure on Anti-Corruption and Unemployment Commissions set up by Government	10,000
14. Construction of a Hangar for Aeroplanes at Jammu	63,000
15. Cost of establishment and fluctuating grants for Panchayat Officer for 1992-93	5,643
16. To meet postage grant of Inspector, Customs and Excise Office, Jammu	1,000
17. Construction of 20 additional stalls in the Exhibition ground	5,400
18. To meet the printing charges of picture post-cards	1,000
19. To supplement the House Building Advance grant	25,000

Works of Public Utility.

REVENUE DEPARTMENT.

	Rs.
Stipends for training fo sons of zamindars Jammu and Kashmir	1,920
Construction of sheds for stipendaries	3,600
Purchase of bullocks, implements etc.	4,000
Propaganda work	2,000
Agriculture farm at Reasi	5,760
Appointment of Assistants for Rural Reconstruction work	3,600
Cattle Breeding Scheme	17,000

	Rs.
Purchase of stallions	4,500
Opening of Veterinary Dispensaries	10,000
Opening of Veterinary Dispensary at Domel ...	1,939
Creation of the post of Assistant Inspector of Schools with necessary staff as a result of the expansion of Education Department	28,092 (5 monthly +2,880 cost).
Opening of 4 Upper and 8 Lower Middle Schools for boys	
Opening of 30 Primary Schools for boys ...	
Opening of 2 Middle Schools for girls ...	
Opening of 10 Primary Schools for girls ...	
Creation of the posts of 25 Arabic, 12 Hindi, 2 Sanskrit, 2 Gurmukhi and 3 Budhi teachers ...	19,619
Opening of Sir Amarsingh College of Science and Tech- nology	
Inclusion of Agriculture in the curriculum of certain High and Middle schools	
Release of increases in the grants of aided public Educa- tional Institutes	
Opening of a Female Hospital at Mirpur	
Expansion of the T. B. Department	22,217
Provision for suppression of plague in Jammu ...	29,321
Providing an ambulance for Srinagar Hospital ...	7,460
Grant of aid to Zenana Mission Hospital at Anantnag ...	1,000
Increase in the aid of St. Joseph's Dispensary, Baramulla	500

PUBLIC WORKS DEPARTMENT.

Special repairs to Serai at Allahabad	1,708
Improvements to Kulgam-Shopian Road	4,000

	Rs.
Construction of Zaina Kadal and Habba Kadal Bridges	50,000
Construction of a Bridge at Hall in Mile 26, Rampur-Sho- pian Road	4,100
Improvement to water-supply, Srinagar	20,000
Water supply to Nattipura village, Anantnag ...	1,643
Raising of the banks of Flood Spill Channel ...	5,230
Raising and improving bunds along the Dodhganga channel	6,216
Fair Weather Road from Akhnur to Sidhoti ...	1,32,100
„ „ „ from Nowshera to Dharmsala Jhangar	54,240
Construction of Motor Road from Kathua to Basohli ...	24,000
Construction of Mirpur-Bhimber Road <i>via</i> Chapper ...	17,000
Construction of a bridge over Tawi near Rajouri ...	28,000
Enlarging and improving existing tanks and wells and constructing new ones in Kandi Illaqa	40,000
Expert consultation for changing the course of the river Chenab for protection of certain villages	4,000
Improving Sopore-Handwara Road	7,000
Construction of a bridge in mile 4, Garhi-Habibullah Road	6,000
Works in Saddar Hospital, Jammu	3,500
Improvement to Paddar Road	6,000
Metalling Jammu-Samba Road	12,000
Re-metalling and coal-tarring of 3 miles and 16 chains of Banihal Road beyond Amar Mahal gate lodge, Jammu	30,000

	Rs.
Construction of Motor Road between Batote and Bhadarwah	35,000
Ans bridge on Nallah Ans	15,000
Proposed 1-8' span culverts on Jammu-Samba Road, mile 16 chains 4	1,132
Proposed 1-8' span culverts on Jammu-Samba Road, mile 18 chains 8	1,132
Reconstruction of 20 span bridge Antholi Mines Road	426
Construction of 1-48' span bridge over Daroo Nallah Bridge on Bhadarwah Thathari Road, mile 2 ...	1,385
Protection works Pirkhoh, Jammu	4,824
Dismantling and reconstruction of the damaged Serai at Machoi	4,302
Reconstruction of Flood damages to Ganjwan-Rondu Road	6,021
Repairs to Leh-Karakaram Road	1,000
Construction of bridges on River Sindh at Hariganjwan and Resin	5,346
Construction of a bridge at Sakti	20,000
Reconstruction of Machko Nallah Bridge	955
Construction of a bridge at Pandras	1,500
Construction of a suspension bridge over Indus River near Khewa	6,000
Construction of Nandi Kuhl Canal	20,000
„ „ Zainagir Canal	700
Protection works of Pratap Canal against erosion of River Chenab	3,466

	Rs.
Creation of Sub-Judge's Court at Baramulla ...	8,756
Construction of Telegraph and Telephone line from Srinagar to Sopore { Initial 5,397 } Recurring 473 }	5,870
Opening and maintaining Telegraph Office at Sopore and Handwara ... { Initial 1,365 } Recurring 582 }	1,938
Installation of a Telephone Connection at the Banihal Tunnel ... { Initial 8,684 } Recurring 438 }	9,122
Erection of a Metallic Telephone circuit from Satwari Exchange to Ranbirsinghpura and installation of a Telephone there	1,573
Improvements to water-supply to the lower portion of Jammu City	25,558
Extending a separate 1½ inch pipe line for the second storey taps in Raghunath Mohalla Bazar ...	1,140
Installation of fire hydrants at Dhaunthli, Purani Mandi and Chowgan Fattu	2,308

495. PANDIT RAM CHANDRA DOBEY: In the last sessions in reply to my question Q. D. No. 480 regarding construction of a well in village Logat, Tehsil Kathua, it was stated on behalf of the Government that an estimate had been prepared and that the work would be started after the budget was passed. Will the Government please state what sum was sanctioned for this well and when will the construction work will be taken in hand?

THE HON'BLE MR. WAJAHAT HUSSAIN: Yes. The Hon'ble Revenue Minister has prepared a new scheme and according to which attention will now be concentrated on a small selected area each year. This year Tehsil Bhimber has been selected. The need of Kathua will be attended to when its turn comes.

PANDIT RAM CHANDRA DOBEY: Will it be got sanctioned by putting forth a new proposal in the House?

THE HON'BLE MR. WAJAHAT HUSSAIN: There is no need for sanction but we have put forth this in the House several times.

496. KHAWAJA SAIF-UD-DIN SHAH (Baramulla: Muslim): Will

the Hon'ble Finance Minister please state as to how many travelling allowance bills of the officials of the Revenue Department have been passed this year?

(a) How many bills were not passed for want of funds and returned?

(b) What is the number of the bills which have been returned for want of funds by the office of the Accountant General and afterwards when sent for the second time, the same were returned with the remark "these claims come under the category of arrear claims and hence cannot be entertained now"?

(c) Who is responsible for these bills not being passed?

(d) Are Government prepared to pass as a special case travelling allowance bills of such employees as are low paid? If not, why, when the officers concerned undertake the tours in the interest of the Government?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI:
(a) 240 arrear travelling allowance bills for Rs. 6,432 of the Revenue Department proper *i. e.*, Canals, Grazing, Patwar Cess, Road Cess, Governors, Wazarats, Revenue Assistants and Tehsildars have been passed during the current year where admissible under the rules.

(b) The information on these points cannot be ascertained as all the travelling allowance bills received are diarized in a register without distinction as to Department, arrear or current claims.

(c) The responsibility for the arrear claim falls either on the claimants who did not prefer their claims in time or on the Departmental Officers who allowed excessive touring to be performed and did not arrange for additional funds in time.

(d) Government does not consider any change in the rules necessary.

497. KHAWAJA SAIF-UD-DIN SHAH: Will the Government please state as to what are the reasons for withdrawing the concessions which were granted to the societies by the Co-operative Department, and what facts stand in the way of the Government in allowing this concession when economic depression is increasing every day?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI:
Members were over-burdened with overdue interest and principal owing to economic depression. To relieve them of this burden rebate in interests was granted to societies by the Registrar for a period of 4 years from 1989-90 to 1992-93. This concession was to take off a part of society profit to be distributed among the borrowing members, in proportion to loans taken by them. This cannot be claimed by societies as a matter of right and cannot be continued as that will draw upon all the profits of societies and the movement will come to an end. Societies will be then working at

a loss and no Audit fund etc. could be realized to carry on the movement.

498. KHAWAJA SAIF-UD-DIN SHAH: Is it a fact that the Jammu and Kashmir Government has started the Co-operative Credit Societies for improving the lot of the zamindars? If the reply be in the affirmative, it may please be stated as to how many zamindar-graduates have been given training and employed in the Co-operative Department?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: Yes. As illitracy rules rampant at present amongst the rural folks it is very difficult to find zamindar graduates. Moreover the educational qualifications prescribed for recruitment in the Co-operative Department being Matric only 17 Matric zamindars have been enlisted during past two years as candidates for employment in Co-operative Department as per following details:—

13 for Sub-Inspectorship,

4 for Inspectorship.

As regards employment 13 appointments have been made in the last two years, out of which 12 were filled by appointment of zamindars, one of these was a gazetted appointment of Assistant Registrar on which Agha Syed Ahmed a Matric and an Agriculturist was appointed.

KHAWAJA SAIF-UD-DIN SHAH: What is the proportion of Hindus and Muslims amongst the seventeen persons who have been nominated as candidates?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: This is a new question.

499. KHAWAJA SAIF-UD-DIN SHAH: Will the Government please state as to how many Banks have been opened since the establishment of the Co-operative Department? What was their annual profit and what amount out of the profit has been spent by them on the welfare of the zamindars and for the education of their children?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: Number of societies as they stand on 31st Bhadon 1993 is 3,453 and profits amount to Rs. 2,15,798. According to model bye-laws of such societies one-fourth of the profits goes to Reserve Fund and from the remaining, after partly charging the cost of Audit and Supervision from societies, the balance, if any, is used in working capital. There is a provision in Co-operative Regulation allowing registered societies to invest upto 10 per cent. of the remaining profit in any cheritable purpose. If any society applies for such investment the Registrar usually sanctions it. It is for the members to see as to how they can best invest a part of Reserve Fund. The Registrar himself cannot spend it for any cheritable purpose. However the Co-operative Department is doing much

in the matter of diffusion of elementary education among members' children and starting education societies. So far about 100 such societies have been opened in different places.

500. KHAWAJA SAIF-UD-DIN SHAH: Will the Government be pleased to state as to what period has elapsed since the *Shamilat-i-Deh* was given to the zamindars? Is it a fact that the Government in the second session of the Praja Sabha gave an assurance to grant *Shamilat-i-Deh* to the zamindars within three years after auctioning the trees standing on the *Shamilat-i-Deh*?

If the answer be in the affirmative, has the Government cleared the area of *Shamilat-i-Deh* and given it to the zamindars? If not, why?

COLONEL BALDEV SINGH PATHANIA: This period is different in different parts of the State. The Government gave such an assurance and efforts are being made by the local officers to have the trees auctioned and the land made available.

KHAWAJA SAIF-UD-DIN SHAH: This is not the reply of my question. What I mean to ask is since when has the *Shamilat* been granted to the zamindars.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): You have got the reply. "At different places at different times". Your question is such to which no other reply can be given.

501. SARDAR DHIAN SINGH (Mirpur-Poonch: Sikh): (a) Will Government please state as to how many posts of Secretaries and Assistant Secretaries are there in the Secretariat and how many of these are held by Hindus, how many by Muslims and how many by Sikhs?

(b) Similarly will Government please state as to how many posts of Assistant and District Superintendents of Police are there and how many out of these are held by Sikhs?

(c) If none of these posts is held by a Sikh at present will Government please take immediate steps to redress the grievance of the Sikhs and particularly appoint Sikhs on posts that may fall vacant?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister): (a) There are 11 Secretaries and Deputy Secretaries and 4 Assistant Secretaries in the Secretariat, of whom 8 are Hindus and 7 Muslims. No post is held by a Sikh.

(b) There are 6 District Superintendents of Police and 6 Assistant Superintendents of Police. None of these posts is held by a Sikh.

(c) Appointments can be made only on the occurrence of vacancies and claims which any Sikh candidate may have will certainly be considered.

SARDAR DHIAN SINGH: Has the Government come to know from these circumstances as to how the claims of the minority are being ignored in this way.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): You have got the reply. This is not the question.

SARDAR DHIAN SINGH: Sir, that is a great difficulty. The number of questions allowed for each member is only forty and even then the supplementary questions are not permitted. This is a reasonable question whether the deficiency of minority will be made good or not.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Please see the reply to part (c) of your question and you will find that you have got the reply.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: When any candidate will come, his claims will be taken into consideration.

SARDAR HARI SINGH: Recently when the two posts of the Assistant Secretaries were to be filled up, why any Sikh has not been taken when the Sikh Superintendents were available?

LALA HAVELI RAM: At that time the claims of all the candidates were taken into consideration.

502. SARDAR DHIAN SINGH: Will Government please state as to how many scholarships for training in India and abroad in different lines have been so far granted to the students belonging to different communities and what sum has been spent for this purpose. What amount as against that has been spent for granting scholarships to Sikh students?

(b) Have the applications of the Sikh students who have applied for 3 scholarships so far been sanctioned? If not, why? What are the reasons for not granting scholarships to any Sikh student?

L. HAVELI RAM (On behalf of the Hon'ble Prime Minister): 144 scholarships have so far been granted for training in India and abroad to students belonging to different communities and the amount spent under the scholarship grant upto the end of Assuj 1993 is approximately Rs. 5,90,000 round. The amount spent on scholarships to Sikh students sent for training in India is Rs. 8,634. One Sikh student who was deputed to England for training on State expense had to refund the scholarship owing to his failure.

(b) The applications received from the Sikh candidates were duly considered and those considered suitable and deserving were granted scholarships.

SARDAR DHIAN SINGH: Out of the students sent, the names of the successful ones may be stated?

LALA HAVELI RAM: This is a new question.

SARDAR DHIAN SINGH: I have requested that the names of the Sikhs may be stated?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): How this question can arise. How was he expected to be aware that such a question would be asked and he should remain pre-

pared to reply that. Either the question which can arise should be asked or a notice of a fresh question should be given.

503. SARDAR DHIAN SINGH: (a) Will Government please supply a statement showing the Sikh officers who have been retired during the years 1985-93 from the following posts:—

1. Wazirs Wazarat,
2. Director of Agriculture,
3. Registrar, Co-operative Societies,
4. Secretary to His Highness,
5. Mohtamim Bandobast (Settlement Officer),
6. Assistant Accountant General,
7. Revenue Officers (Afsar-i-Mal),
8. Divisional Engineers, and
9. Judges.

(b) Will a statement showing the Sikh officers who are working on these posts at present be also supplied?

(c) If it is a fact that the representation of the Sikhs on these posts is nil, will Government take early steps to make up this clear deficiency?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister): (a) Wazirs 1, Director of Agriculture 1 (reverted to Punjab service on the expiry of his deputation period), Registrar, Co-operative Societies 1 (reverted to Punjab service on the expiry of his deputation period), Secretary to His Highness 1, Settlement Officer 1, Assistants to the Accountant General 2, Revenue Officers 1, and Judges none.

(b) No Sikh is holding any of these posts at present except that of a Munsiff.

(c) It is not possible to reserve a particular appointment for a particular community. Appointments to these posts are made generally by promotion and any claims that Sikhs have to such posts are always considered.

SARDAR DHIAN SINGH: Is this the proof of the fact that when so many Sikhs have been retired

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): How this question can be a proper one?

SARDAR DHIAN SINGH: Sir, what other question can be so?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): The reply has been given. If you do not like it that is a different thing.

SARDAR KANHAYA SINGH: Sir, I want to ask a supplementary question with regard to this question.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): The question is finished. We have now passed on to another question.

SARDAR DHIAN SINGH: My question is that the figures which

have been stated show that there are no Sikh gazetted officers at present. Do the Government feel that the number of Sikhs has been considerably reduced?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): What is your question?

SARDAR KANHAYA SINGH: Sir, the reply to this question clearly shows that at this time there is no Sikh officer on the posts of Director, Agriculture, Registrar, Wazir Wazarat, Judge, Revenue Officer etc. My submission is whether Government will pay its attention towards this deficiency, and what is the reason that so far no attention has been paid towards it?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): You please see to the last portion of the reply to this question and you will find your answer there.

504. SARDAR DHIAN SINGH: (a) Is it a fact that in order to protect the most famous and revered Gurdwara of Tagalli against the permanent dangers from Drugali Nulla, Sri Raja Sahib Poonch was pleased to sanction a sum of Rs. 1,900 for the construction of a protection bund?

(b) If the answer to the above be in the affirmative, it may please be stated as to when will the work be taken in hand and whether the work will be completed before the next rainy season?

COLONEL BALDEV SINGH PATHANLA: (a) Yes.

(b) The question will be considered when the next year's budget is prepared.

NON-OFFICIAL BILLS.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Sheikh Abdul Hamid will move for leave to introduce "The Jammu and Kashmir Nationalization Bill."

SHEIKH ABDUL HAMID: Sir, I submit that under section 43(a) I may be permitted to submit this bill in the next session of the Praja Sabha because we are going to make a compromise and it is just possible that meanwhile we may arrive at any decision.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): I want to know whether you move it or not. If this is the situation then you should not move for leave to introduce this bill.

SHEIKH ABDUL HAMID: Sir, I move for leave to introduce this bill and further submit that while making the motion I am entitled to two things—one that it may be taken into consideration at once and another that its consideration may be postponed to some other day or time.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): So you are moving for it. You can raise your dilatory pleas only after you have moved for leave to introduce the bill.

MR. GHULAM MOHAMMED SADIQ: The hon'ble member has a misunderstanding. Under section 53 he is not entitled to this unless the bill is introduced. First of all it is necessary for him to make a motion for leave to introduce the bill.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): You should first make a motion for leave to introduce the bill and after you can raise your pleas.

SHEIKH ABDUL HAMID: Sir, my submission is that we have a precedent as the Kahcharai Bill has similarly been postponed.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): You did not follow. A bill is brought in the following manner. First of all it is moved that leave to introduce the bill may be given. It is just possible that any member may raise an objection when such permission is sought. In these circumstances the opinion of the House is obtained and if the House allows the motion can be made.

SHEIKH ABDUL HAMID: Sir, I request for leave to introduce this bill.

THE HON'BLE MR. WAJAHAT HUSSAIN: I think after this motion has been passed then alone the mover will have a right to make a speech.

A VOICE: There is no support.

PANDIT AMAR NATH KAK: Support is not necessary in case of bills.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): (Addressing Colonel Abdur Rahman Khan) He is opposing it.

COLONEL ABDUR RAHMAN KHAN: Yes, Sir, I oppose it.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Mr. Hamid ! You may speak now.

SHEIKH ABDUL HAMID: Sir, feeling that dire need which urges all those who have the good of their country at heart and are anxious to make it more prosperous and foster sympathetic and brotherly relations that this resolution has been moved.

This end cannot be achieved as long as those settled in a country do not have the satisfaction that their rights are as safe as those of any other people there or unless they are assured that by carrying on a well meaning strife for the betterment of the country, they too after some time will be entitled to all those rights which are enjoyed by those who settled before them in the country.

It is the unanimous verdict of all great politicians that no nation can either progress or be considered "advanced" so long as three things *viz.* Liberty, Fraternity and Equality are not there. As long as there is no equality, there can be no fraternity and where there is no fraternity, it is futile to think of liberty. If an intelligent, capable and capitalist class whose men have settled in a country by thousands were to know that the rights which were

granted to them are now being forfeited and in future their position will be such that the door to progress will be entirely shut to them, then the necessary consequence would be that there will be unrest in their minds and the progress of the country will be much slower if it does not come altogether to a standstill. This is a fact which is counter to the betterment of the country and no sane person will ever think favourably of it.

In the present bill this fact has been given special consideration that all those persons who have settled permanently in the State for the last twenty years should in all matters be granted rights equal to those of other subjects of the State.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): It is not necessary to point out the merits of the bill.

SHEIKH ABDUL HAMID: I am not explaining the contents of the bill but am only advancing arguments in its favour.

I was submitting that the panic, disappointment and the non-confidence which the present State-subject Definition has engendered in the hearts of the people stands in the way of the progress of the country because in present times we cannot avail of the capital and intelligence of many capitalists and men of ability.

This bill has been introduced in view of all these facts, and provision is made for the grant of equal rights to all those persons who have settled permanently in the State for the last twenty years. The intention of section 5 part (b) and (c) of this bill is that if men of ability and capitalists want to settle in the State they can do so and add to the prosperity of the State. In section 14, 15, the sons and grandsons, wives, daughters and children of the above-mentioned persons have also been included. There can never be any sympathy or interest for the uplift and betterment of a country in the hearts of those persons who may have settled in that country or may be desirous of settling there at some future date as long as they are not sure that their rights will be protected and will be equal or made equal to those of others.

It is the constant endeavour of every civilized country to add to its income and population day by day and in view of these facts they have framed such laws whereby people of other countries are tempted to settle there and they are provided all kinds of facilities. Thereby they live a contented and happy life and become promoters of the strength and wealth of the country. I would also add that anyone who has even a grain of sense in him would never be willing to make that country his home and take interest in its progress where not only his rights are not secure but even his descendants are deprived of their rights. The present State-subject definition is a great deterrent in the way of the newly settled persons in the use of the capital and intelligence in the affairs of the State and this has been a great hinderance to the progress of the country.

Whatever progress the State has hitherto made is the result of the policy which has previously been in force in the State. And it is with this end in view that the present bill has been drafted.

I shall place before you a few facts as briefly as possible. But before I do so I would like to make it clear that the Jammu and Kashmir State and the Punjab at present are not separate countries but from times immemorial their relations have been such that their different Illaqas have formed parts of the same country. In support of this I shall state a few historical facts. In ancient Vedic times the North Western area which lies between the Saraswati and the Attock rivers was under the sway of Anu the eldest son of Raja Yayati. This entire Illaqa upto the time of Guru Govind Singh has been known and written by the Hindu historians by the name of "Mudh Desh".

The most advanced period of Indian history passes by the name of Mahabharat. It was in this period that that Great War which is known as the War of Mahabharata was fought wherein human strength and intelligence played a wonderful part. After that war India has not obtained that glory even upto this day. Amongst the combatants of the war there was one Raja Sheila who was the ruler of Mudh Desh and the capital of his kingdom was Sialkot which is at a distance of a few miles from Jammu.

Submitting very briefly I would like to mention about that time of the Mughul period when Abdul Samad Khan was the Subedar of Lahore Province and this province included Lahore, Jullundhar, Rawalpindi, Kangra and the present Province of Jammu and Poonch. In those days Banda Bairagi rose in revolt and Abdul Samad Khan marched with his army to Poonch to crush the rebellion. At the downfall of the Mughal rule at different places small kingdoms were set up and the administration of the country went out of order. Then there was the period of Maharaja Ranjit Singh Sher-i-Punjab. He conquered Lahore, Multan, the Jammu Province and Peshawar etc. one by one and laid the foundation of the Sikh Rule. The late Raja Dhayan Singh and the Raja Gulab Singh who were his Chief Ministers got the provinces of Jammu, Gujrat, Sialkot, etc. on lease. This also makes it abundantly clear that the Punjab, as it is at present and the Illaqas of Jammu and Kashmir did not have a separate entity till then. During the Sikh reign all that Illaqa which lay between the river Attock and the Sutlej came to be called the name of Punjab on account of its five rivers. As these rivers wind their way through the Illaqa of Jammu and Kashmir also, for that reason too, Punjab is not separate.

In 1820 the Illaqas of Jammu etc. were entrusted on behalf of the Sikh Government to Maharaja Gulab Singh who continued paying tribute till 1846 to the Lahore Durbar. After the decline

of the Sikh Rule when the Illaqa of Jammu and Kashmir fell to the lot of Maharaja Gulab Singh Ji he was connected with the East India Company—and even to this day their relations with the British Government are steadfast.

Leaving aside these facts I would submit that the relations with the Punjab of the ancestors of our present rulers who were the real founders of the State were so deep and firm that for the uplift and amelioration of the State they provided facilities and concessions to the people of the Punjab so that they may come and settle in their Illaqa. It was notified that the non-agricultural land which was lying fallow in the State was primarily to be granted to those who may like to come and settle in the State and that they were given preference over the agriculturists of the State.

The late Maharaja Gulab Singh the founder of the State brought men of ability and wisdom with him because being an employee of the Lahore Durbar he was fully aware of the worth of those people.

After that the late Maharaja Ranbir Singh Ji also followed in his footsteps and provided facilities to foreigners. Many Departments were formed during his reign for the administration of which he availed of the services of the people of the Punjab. So much so that the Afghans whose race, nationality, culture, language, habits and ways are absolutely different from those of the Punjabis and Indians were not only given an opportunity to settle in the State but were patronized in every way. And it happens that those members who have stood up to oppose this bill are themselves the descendants of those people. I mean my friend Colonel Abdur Rahman who is opposing this bill is the descendant of those people who have come from Afghanistan and settled in the State. They are not the real inhabitants of the State but only their ancestors came some time earlier than 1942 and settled in the State. Their ancestors were granted lands and Jagirs and their descendants are now holding responsible positions in the State and they are granted all those rights which are granted to the original inhabitants of the State. Hence there appears no reason why the descendants of those people who settled a little later than they be deprived of similar rights. Have they been traitors to the Government in joining with some other power against the State, or have they conspired against the Government or have they taken any such steps which should deprive them of those rights which are granted to other people? These people have served the Government with their life and property and they have never shirked sacrificing their lives to make the Government firm and secure. Here, only those people are opposed to the bill who settled a little earlier in the State. What rights do they have to oppose in the grant of rights to domiciled State-subjects? Their case is analogous to that of a person who has taken his seat in the train earlier than the rest

and when any one asks for a seat he replies "No room" although the rights of both the passengers are equal inasmuch as they have both paid the fare to the Government.

It is highly essential that all such persons who have lived in the State generation after generation and have acquired property therein, or those who are settling permanently in the State should after the expiry of a fixed period be granted full rights without distinction.

WAZIR GANGA RAM: Those people are not like you.

SHEIKH ABDUL HAMID: Now I would give an account of the conditions prevailing at the time when this Illaqa came under the sway of the late Maharaja Gulab Singh Ji. There were innumerable petty Rajahs ruling over hilly tracts. All these Illaqa had neither any administration nor constitution. The life and property of the people was always in danger. No educational institutions, schools or colleges were to be found, nor were there any roads or regular courts, neither appreciation for skill nor market for art. If I may be allowed I would like to drink water first. (Laughter)

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Yes.

A VOICE: It is for this reason that you are not granted rights of citizenship besides the water

SHEIKH ABDUL HAMID: Perhaps he does not know that water is a blessing of nature and is not indigenous. It rises from the seas and spreads over the Himalayas and fills the lap of the mountains every year and you also profit by it.

MR. M. A. BEG: Are the seas non-State-subject?

SHEIKH ABDUL HAMID: Yes, the seas since they lie on the other side of the Suchet Garh boundry, are non-State-subject.

MR. M. A. BEG: The clouds which spread over the skies are they also non-State-subjects?

PANDIT AMAR NATH KAK: If the clouds have floated into the State earlier than 1942, not otherwise.

SHEIKH ABDUL HAMID: I will try to speak on slowly till I get water.

MR. G. A. ASHAI: Try your might, speak on loudly.

PANDIT LOK NATH SHARMA: Even water is not supplied to non-State-subjects.

SHEIKH ABDUL HAMID: I was submitting about the conditions which prevailed at the time when Maharaja Gulab Singh Ji took over the reins of Government in his hands. We could find a school or a Pathshala somewhere in some towns. Men who could read and write could not be found for miles together. If anybody received a letter he had to undertake long and tedious journey in order to have it read and replied.

Now-a-days if there are not schools in every village at least there are schools in all important and inhabited places. This wide-spread education is the outcome of the efforts of those who are now called Domiciled State-subjects or Punjabis.

PANDIT AMAR NATH KAK: They were paid salaries.

SHEIKH ABDUL HAMID: Of course. Now I will submit that all those extensive stretches of land which were lying fallow and which were yielding not the least profit to either the Government or the people and the State-subject agriculturists were not capable of popularising it. In order to prepare fallow land for agricultural purposes they gave a general reception to the laborious and hard zamindars of the Punjab and at last Aien 6 of 1945 was promulgated whereby subjects of outside districts (*i. e.*, people residing outside the State) were invited and were granted preferential rights for the acquisition of land. This lead to the settlement of a very great number of people in the State. Some employees were granted land areas as "chacks" who cleared the forests and made the land cultivable and spent huge sums. It is all due to their efforts that there is an annual increase of several lakhs of rupees in the land-revenue of the State.

WAZIR GANGA RAM: Will the mover quote any such instance which may show that a "domiciled State-subject" ploughs land with his own hands".

LALA SHIV NATH NANDA: It is not time for asking questions.

PANDIT JIA LAL KILAM: That is not a question.

SHEIKH ABDUL HAMID: It is regrettable that Wazir Sahib is not fully acquainted even with the members of this House. He should know that M. Qurban Ahmed who is sitting here as a member of the Praja Sabha himself ploughs the land. He has got Pattas and documents. His ancestors were amongst those who helped in increasing the population of the State.

WAZIR GANGA RAM: What does he do now?

SHEIKH ABDUL HAMID: He is a medical practitioner and an agriculturist. I wonder that you are not aware of the professions of your colleagues. While the Ain of 1945 added considerably to the revenue of the State, the new settlers brought with them and sowed seeds of good quality and grow several new varieties of crop and taught their methods of cultivation whereby the people of the State began to have better quality of food. Otherwise in the Illaqas of Jammu the people mostly depended upon maize, barley and kulth, etc. It is the result of their fine seeds that we find green fields stretching on every side in the State.

PANDIT JIA LAL KILAM: State-subject seeds.

SHEIKH ABDUL HAMID: In those days the means of communication in the State were, if not altogether non-existent and limited, at least so tedious and impassable that those who had to go from

Jammu to Kashmir or back would part from their friends and relatives in a way as if they were bound on some great expedition where there was no security of life, and it was a fact, because such incidents were very common and it was not possible to reach the destination and come back without any loss of life and property. Besides, people had to face the hardships of journey for weeks together. The fine roads which your honour sees these days are the result of the industry and intelligence of those people who are now called "Domiciled State-subjects". If they had not constructed these big roads then how could it have been possible for thousands of visitors to come, from whom the income of the State amounts to lakhs rather crores and how could the State and the people have profited by their wealth.

PANDIT JIA LAL KILAM: What a blunder you have made.

KHAWAJA GHULAM MOHAMMED SADIQ: Charity, indeed.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): 15 minutes over.

MOULVI MOHAMMED ABDULLA VAKIL: Sufficient arguments have been advanced. No more arguments are needed.

PANDIT LOK NATH SHARMA: He has got half an hour.

LALA AMAR NATH KOHLI: He is describing nineteenth century progress.

LALA SHIV NATH NANDA: (To Sheikh Abdul Hamid) Please continue your speech.

PANDIT JIA LAL KILAM: You may advance arguments and not state facts.

LALA HANS RAJ: Roads were constructed. Wherefrom did the stones come?

SHEIKH ABDUL HAMID: No country can progress, so long as capitalists do not settle there. The class of people which invested capital and exerted its brain is still here and all this progress is due to their education. Efficient men who are sitting here have been taught by them. (Laughter)

PANDIT JIA LAL KILAM: As if it is they who have taught us.

MR. G. M. SADIQ: All of us have descended from Adam.

SHEIKH ABDUL HAMID: Sir, I would like to submit briefly that if they want that their country should prosper, that its wealth and prestige should grow, they should treat the domiciled subjects as their equals. They should mix their capital with the capital of the domiciled people and start works and should also provide facilities to other enterprising and intelligent capitalists for settling here.

KHAWAJA ABDUR RAHIM BANDE: We want contentment, we want economy.

LALA AMAR NATH KOHLI: Patience.

SHEIKH ABDUL HAMID: The definition, now in force, has de-

prived domiciled State-subjects of many civic rights. For instance the doors of services have been closed upon them and they cannot get service in any Department of the State.

PANDIT JIA LAL KILAM: We too can't get.

SHEIKH ABDUL HAMID: There is no department in the State in which Pandits are not found in large numbers.

In education, we find that domiciled subjects are admitted in Government schools and colleges etc., only when some seat is left after the hereditary State-subjects have been admitted.

WAZIR GANGA RAM: They are capitalists.

SHEIKH ABDUL HAMID: Suppose hundred students are to be admitted to a certain class, of whom ninety are hereditary State-subjects, the domiciled subjects will get only ten seats even if their number be fifty and even if they possess better merit. If hundred hereditary State-subjects are available, in that case no seat will go to domiciled subjects. This shows that in view of the present educational progress the time is not far when the doors of Government schools will be closed upon the domiciled subjects. Merit scholarships are awarded everywhere to students who win some distinction but in the State they neither get merit nor poverty scholarship, which tends to discourage intelligent and poor students. If some domiciled subject stands first in an examination, for which distinction the State has declared the award of a gold medal, the medal does not go to him but it goes to some hereditary State-subject who has obtained less marks. If some domiciled subject starts a factory for some industrial purposes and invests his capital in it, he does not get any State aid when he is in need of it nor is he given any encouragement.

COLONEL ABDUR RAHMAN: It is due to lack of confidence.

SHEIKH ABDUL HAMID: Yes, Sir, you have won the confidence by coming four years earlier. As against this if a factory is opened by a State-subject he receives aid from the Government Treasury and will get many other concessions. Similarly, if a non-State-subject desires to work a mine in the State he is not permitted to do so even if nobody from the State be prepared to take up that work. If anybody desires to get permission he has to face many difficulties.

Let us take State hospitals now. Suppose, there is a State hospital in which there are for indoor patients seven beds of which six have already been occupied and one is vacant. Two patients come to the hospital; a hereditary State-subject and a domiciled State-subject. The bed is given to the hereditary State-subject and the domiciled subject is deprived of it. It is never taken into consideration as to which of the cases is more serious.

We now come to contracts. Tenders are invited by the Government for contracts. The Government should give the contract

to a person who charges the least amount and is prepared to supply the best thing. This would yield them a benefit. But, Sir, if two tenders are received—one from a hereditary State-subject and the other from a domiciled State-subject both of whom are State-subjects only in name: even if the tender submitted by the domiciled State-subject is low he does not get the contract. Otherwise it goes to the hereditary State-subject. In this connection I would like to submit that the margin of profit is usually not more than 10 per cent. If the hereditary State-subject offers a rebate of 5 per cent., the domiciled State-subject cannot get the contract unless he gives a rebate of 11 per cent. It is impossible for him to do the work honestly and to maintain himself as well because the margin of profit is only 10 per cent. I would now like to submit the difficulties to which a domiciled State-subject is put when he purchases immovable property. In the case of a first class State-subject the deed is registered by the Sub-Registrar, but in the case of a domiciled State-subject it goes to the High Court through the Sessions Judge and he becomes the owner only when that Court accords sanction. So in taking possession of the property and in the registration of the deed, the domiciled State-subject has to face many difficulties and to spend good deal of time. Sometimes he is not able to get back his deed, even after paying bribes. If it so happens that the deed is rejected, he has no security for the money he has paid, because the person who sells the immovable property needs money which he spends as soon as he gets it. In the case of the deed being rejected, the domiciled State-subject is faced with many difficulties. In other words this classification has made our position very awkward.

It is also a matter of surprise that the legal profession which should be open to every individual is not open to the third class domiciled State-subjects even if they be barristers. Hence the present definition is, in no way, based on justice. It deprives a large number of persons who have settled here long ago, have severed their connection with their native land and acquired property in the State of all concessions available here. Even Taccavi loans are not given to the domiciled State-subjects. In short all aid is denied to B and C class State-subjects. These are the reasons which have made it necessary for me to draw the attention of the House to these facts. If the House considers these facts coolly and honestly, they will find that the present definition is hard to the extent of being unfair. Leaving civilized countries alone this would not be considered proper even in the most backward country.

We have to see now whether any change is needed in the present definition or not. I would now submit that in order to ascertain public opinions, the Government should keep two facts in view, firstly what is the opinion of the various Anjumans and Sabhas

about this matter and secondly whether any voice has been raised by the press and platform regarding a change in the definition.

MR. M. A. BEG: The Dogra Gazette is here.

SHEIKH ABDUL HAMID: So far as I remember the Conference has passed resolutions. Similarly the Youngmen's Muslim Association, Jammu has also passed resolutions for a change in the definition. The "Anjuman Ahl-i-Hadis" also passed resolutions. Besides this, the Singh Sabha of Jammu and Srinagar also passed resolutions in the "Khalsa Dewan". It is a month now that the Guru Singh Sabha held a grand Dewan in Jammu and sent me a copy of the resolutions that they passed there.

SARDAR KANHAYA SINGH: The certificates of all these people have been cancelled.

SHEIKH ABDUL HAMID: They have strongly supported the bill that is now before the House and held that the definition, as it stands now, is impracticable. I would also like, Sir, to invite your honour's attention to the meeting held jointly by the leaders of Jammu and Srinagar on 17th July 1936. The meeting was presided over by Pandit Ram Chandra Dobey. Pandit Jia Lal Kilam, the nationalist leader, who is sitting to my right as also Pandit Keshow Badoo who leads the Kashmiri Pandits and is an enlightened man, were present in the meeting. Every one present expressed his views and they came to the conclusion that the present definition is impracticable and a new bill should be drafted. The duty was assigned to Pandit Jia Lal Kilam who could not draft the bill for want of time.

(AFTER LUNCH)

Sir, after the expiry of the first meeting, we had a talk among ourselves and we came to the conclusion that I should make a request to withdraw the bill at the present stage and introduce it again at some proper time in the next session. Therefore I want permission to withdraw the bill.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Members of the Praja Sabha: Sheikh Sahib wants permission to withdraw the bill. As he has already moved for leave to introduce the bill, he cannot withdraw it unless the House permits. Those of the members who wish the bill to be withdrawn should raise their hands.

(Hands raised)

Bill withdrawn with the permission of the House.

THE PUBLIC SERVICE COMMISSION BILL.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.):

Mr. Jagat Ram Aryan will move for leave to introduce the Public Service Commission Bill.

MR. JAGAT RAM ARYAN: Sir, I move that I may be granted leave to introduce my Bill, i. e., Public Service Commission Bill.

NOTE.—Mian Ahmed Yar rose to oppose the bill.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): (Addressing Mr. Jagat Ram Aryan) It has been opposed. You may say whatever you like.

MR. JAGAT RAM ARYAN: Hon'ble President and Members of the House: This has not been found in any civilized country that the question of recruitment into Government service may rest at the mercy of one man. In this backward State the procedure of recruitment into Government services is that an officer may appoint anyone he likes. It has generally been observed that in this way the villagers or the persons of backward community get no employment. This procedure is particularly very harmful for the Harijans. In this State the officers employ those persons who are either their relatives or have strong recommendations and those who have neither any relation with the officers nor have any recommendations do not get any service. It is impossible for them to get into Government services. Sir, it has generally been noticed that whenever we go through the lists of new employees it is always found that the employees are either the relatives of Secretaries or some officer's "own men". But the poor villagers in spite of their being literate and capable are everywhere disappointed for want of recommendations. If any officer is corrupt, then, the services are purchased and sold in this State. Only a few days back the post of a head clerk which fell vacant in the Jammu treasury was advertized. In the advertisement it was laid down that only the Mohammedans need apply. I congratulate Government for it. I have no objection to it. Besides this advertisement contains the condition that the minimum qualification of the candidate should be a Matriculate. Afterwards it was found that some Mohammedan of the Accountant General's office had arranged all this for his own relative but when he saw that an undergraduate Mohammedan from Bhadarwah had also applied he managed to get his relative employed in the Accountant General's office and sent an official from the Accountant General's office to fill up the vacancy in the Treasury Office.

In the year 1987-88 a selection was held by the Assistant Inspector and Wazir Wazarat, Udhampore. There were many candidates from Udhampore District but none of them was given any chance. Only those candidates were taken who had recommendations. Candidates from Kashmir Province were provided in the Jammu Province and the candidates from Udhampore District are still waiting. Similarly, one Harijan boy was employed

in the Jammu Division. Jammu Division was brought under reduction and this boy was also ousted. The retrenched Harijan official after making many requests and representations to the concerned authorities approached the Council. The Council ordered to provide him where there is a vacancy but upto this time the poor fellow is on the waiting list. This is due to the fact that he is a poor Harijan.

One Judicial Clerk was retired at Bhadarwah and a Harijan was employed in his place. The Naib-Tehsildar, the Tehsildar and the Wazir Wazarat concerned recommended the Harijan to be confirmed on the post held by him, but at the time of making the arrangement permanent the Additional District Magistrate appointed a new man on this post. It came to be known that this new employee had a relative of his in the Additional District Magistrate's Office. This resulted in the ousting of the Harijan who has been working for a year at Bhadarwah.

As regards my bill, it can be said on behalf of the Government that a board named "Public Service Recruitment Board" already exists in the State therefore there is no necessity of the Public Service Commission. I think that the Board is meant only for gazetted posts and consists of official members only and the non-gazetted posts are at the mercy of the Heads of Departments. It is required that this Board should include non-official members and deal with the cases of non-gazetted officials also, enabling all communities to have their representation in the Government service, otherwise in accordance with the present policy of the Government, the villagers and the Harijans who have neither any recommendations nor any officers as their relatives nor they have money enough to purchase the posts by offering bribes can have any hope to get into services. Therefore, I hope that the House will help the poor villagers by supporting my bill. This commission is very essential.

MIAN AHMED YAR: Sir, I want to point out that the appointment of the Commission is useless. The principle of democracy and the work which is being done individually, if done on democratic lines can certainly prove beneficial. Had the learned mover of the bill moved his bill on this principle, that principle could be acceptable. I think it necessary to oppose the bill on the ground that the clause 4 of the bill lays down that besides official members there should be 9 non-official members in the Commission. Out of these 9 non-official members, 4 Mohammedans have been proposed to be appointed, three Hindus, one Sikh and one Harijan. The Mohammedans in this State form a large majority. This community takes the greatest part in filling up the coffers of the Government. In spite of the strong opposition by other communities, it was admitted in His Highness the Maharaja Bahadur's

commands issued on the recommendations of Glancy Commission that there is a great deficiency of Mohammedans in the Government service and such a policy need be adopted which may give them proper representation. The proportion of the members which has been proposed in clause 4 is opposed to the interests of this community which has a very deficient representation in the Government service. Hence it is necessary to oppose this bill.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): When a bill is moved, nothing should be discussed at length with regard to the provisions made therein but it should be taken generally and only a brief explanatory statement can be made. We are now proceeding under section 51. If the bill comes before a Select Committee it is just possible that they may change it altogether. The point at present is whether leave to introduce the bill should be granted or not. You need not therefore go into details.

MIAN AHMED YAR: I have referred to a particular provision of the bill and therefore I want that the motion of the mover should not be accepted. I am not discussing the bill in details.

It can be inferred from the provisions of clause 4 of the bill that the constitution of the present commission which is working as a Board is not proper. There could be many other ways to find faults with the present Board. The object of the proposed bill is that all communities should have representation in the Government service. The Mohammedans after a hard struggle convinced the Government that they too are entitled to their share in the Government services. As this community is far behind in respect of their representation in the Government services, therefore it objects to the establishment of a democratic Board. If any body has any complaint against the present Board or against any official to the effect that the rules have been infringed, such a complaint can be lodged under the Ranbir Penal Code but the rights of a certain community which it has obtained after a hard struggle should not be permitted to be whittled away in sugar-coated suggestions like this. This is not the time to suggest any such proposal because at present the Sikhs are complaining on the one hand that they have not been given proper representation in the Government service and on the other hand the Mohammedans have great anxiety that their future may not look dark. Therefore such a proposal should be laid before the present authorities which may be useful without harming the interests of any other community.

An endeavour to change the present procedure is being made. I submit that any change in the present procedure will be a cause of discontentment. There is no doubt about it, that endeavours are being made within the House and outside it to change it. The

present complaints can be gradually removed. At this time efforts are being made to displease others for no reason.

In the circumstances I oppose the bill.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Members of the House: You know that Mr. Jagat Ram Aryan has moved this bill and Mian Ahmed Yar has opposed it. Now it is for you to say whether this bill should be introduced or not. Those who are in favour of its introduction may please raise their hands.

PANDIT RAM CHANDRA DOBEY: No, Sir, by ballot please.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): All right.

MR. M. A. BEG: Will the Government please clear its position in this respect before the votes are taken.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR (PRIME MINISTER) Sir, I want to make the position of the Government clear in this matter. The Government is not in favour of the introduction of this bill in the House. The main reasons are that in a Constitution such as we have, a Public Services Commission would not be of much use especially when the Executive consists of a number of holders of offices who do not change with votes in the Legislature. A Public Services Commission is intended ordinarily to act as a check on the exercise of patronage by an Executive which is liable to frequent change and does not, under the conditions obtaining here at present appear either possible or necessary. What I would contend is that with an Executive such as we have in the State it is not at all necessary to have such a Commission either for recruitment or for promotion. In the second place I consider that the amount of work that we can give to the Public Services Commission in the State with an administrative machinery of the composition we have would be comparatively small and the results to be achieved will not be commensurate with the heavy expenditure that it would involve. Besides, the personnel of the Commission should consist of people who will be above all influence, above all temptation. The third point is that the establishment of the Public Services Commission as envisaged in the bill is altogether impossible. We cannot have a Public Services Commission of 11 members. The Commission proposed is to consist of a large number of people, some of whom will be elected from the Praja Sabha and some drawn from the Ministers—a very unsatisfactory method.

I think that all the supporters of a proper Public Services Commission will certainly say 'no' to a proposal of this sort. In British India all the Provinces do not have Public Services Commissions. Only in the major provinces such commissions have been or are to be established but the fact to remember is that the character of their executive is now changing. The small provinces of India

have no Public Service Commissions; two or more of such provinces combine for this purpose. Our needs do not, as a matter of fact, demand such a Commission and the arrangements in existence in the State with regard to the recruitment and promotion to the the State services, I am told, are quite satisfactory. We have at present an Ad-hoc Committee of Ministers and recruitment to the State Service is made by that Committee and it has been functioning satisfactorily so far.

In these circumstances, on behalf of the Government, I oppose the introduction of the bill.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): 12 votes are in favour and 53 are against, therefore the leave for introduction of the bill is not granted.

SARDAR KANHAYA SINGH: Point of order, Sir. I want to invite your honour's attention to the particular fact that when Sheikh Sahib was speaking about the moving of the resolution, Lala Hans Raj had remarked that the resolution was submitted at 12 o'clock and that therefor it should be accepted. (Laughter)

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): What do you mean?

SARDAR KANHAYA SINGH: Everybody should cut jokes but it is not desirable to injure the feelings of any community by cutting improper jokes.

PANDIT JIA LAL KILAM: What is the harm in that?

SARDAR KANHAYA SINGH: I protest against this remark of Lala Sahib and request that he should withdraw his words.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Do you withdraw your words?

LALA HANS RAJ: I withdraw my words. I did not mean what he has taken it to mean.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Now comes Bill No. 3 of Pandit Ram Chandra Dobey.

PANDIT RAM CHANDRA DOBEY: Mr. President, this Bill

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Has anybody to oppose it.

THE HON'BLE MR. K. N. KNOX: Yes, Sir.

MR. JAGAT RAM ARYAN: Point of order. There are two Bills of Kar-i-Sarkar. One is being moved by Pandit Sahib and the other by me.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Your bill will fail. If the Pandit Sahib's bill fails, your bill cannot be moved. You can move your bill if Pandit Sahib will not move his bill.

PANDIT RAM CHANDRA DOBEY: I have no objection if he moves.

MAJOR GENERAL RAO BAHADUR THAKUR JANAK SINGH:

He who strongly supports it should move it.

MOULVI MOHAMMED ABDULLA: Only Pandit Sahib can support it strongly.

PANDIT RAM CHANDRA DOBEY: I submit that I may be permitted to introduce this bill.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): The permission to introduce this bill is granted. You may deliver your speech on the subject.

PANDIT RAM CHANDRA DOBEY: Kar-i-Sarkar rules were framed in the year 1973 and were published *vide* Ailan No. 31 dated 7th Chet 1973. Subsequently these rules were amended and printed in Ailan No. 31 dated 25th Phagan 1986. These rules were divided into two parts, *i. e.*, for Kashmir and for Jammu. These were enforced in different provinces under order dated 12th September 1925. The objects and reasons of this bill are that His Highness the Maharaja Bahadur for the welfare and prosperity of his subjects was pleased to command the discontinuance of the forced labour. Kar-i-Sarkar is being taken in payment of wages. In the last session of the Praja Sabha, the Kar-i-Sarkar Bill which was placed before the House after amendment was withdrawn. The forced labour or Kar-i-Sarkar is considered injustice in other civilized countries. On this ground the existence of such laws is unnecessary. I shall also submit that such law of taking forced labour or Kar-i-Sarkar does not exist even in the neighbouring provinces, *i. e.*, Punjab.

Under these circumstances the imposition of a penalty of Rs. 10 for refusing to do Kar-i-Sarkar is an injustice and such a law does not exist in the Punjab.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Requests the Hon'ble Revenue Minister to speak.

THE HON'BLE MR. K. N. KNOX: I want to hear what they want to say regarding it.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): You will of course.

THE HON'BLE MR. K. N. KNOX: Sir, I wanted to hear what the views of the House generally are as there are so many complaints regarding Kar-i-Sarkar and there are practical difficulties for the Government to deal with these. So far as the Government is concerned they have got every sympathy in the matter. Regarding this bill the Government do not make any distinction at present because I see that Kar-i-Sarkar is obtained with price and the bill says that the people should be exempted from Kar-i-Sarkar. Kar-i-Sarkar is legal and the Government feels that it is not a slave labour and as such the Government have first to see whether it will be possible to make such arrangements in the State as to exempt the people from this labour which they are bound to do. At the

last session of the Praja Sabha, I understand, an attempt was made to throw light upon this matter of Kar-i-Sarkar and to exempt the people, to a considerable extent, from it, and many grievances which are associated with the present methods of Kar-i-Sarkar were discussed in the House. The rules made in that bill were not meant to do away with the communal distinction in the matter of Kar-i-Sarkar but it was proposed that cooly labour should be so arranged that whenever needed these coolies may be called upon for Kar-i-Sarkar. By making such an experiment, difficulty is apt to arise in case the coolies were to suddenly give up this sort of labour and as such it is not possible for any Government to accept such a proposal. The second difficulty will arise in the case of travellers going out on Government business. Such Government servants cannot do without coolies as these are indispensable factor of transport on high passes and hilly roads. If the coolies were to stop their work the natural result would be that the Government work would greatly suffer and administrative arrangements would be dislocated.

The Government is ready to re-examine this question and do all that is in their power to remove the grievances in this behalf. It would be better therefore to reconsider this matter and the re-examination will, I am sure, reveal the exact position that is existing at present. My honourable friend the mover, says that in the Punjab there is a law which prevents the Government to take such labour from any body. I am not familiar with the Punjab but in certain parts of India such labour is taken in cases of emergency. I have not yet seen how, in Kashmir, under the present rules, this labour is taken. The Government feels that they must oppose the introduction of the bill in its present form and I think that the question should be re-examined first and then put before the House.

LALA HANS RAJ: Sir, with this bill

PANDIT LOK NATH SHARMA: He cannot speak.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): You are not entitled to speak. Please say if you want to hear in Urdu.

LALA HANS RAJ: I am interested in it.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): There is a matter for your consideration that the bill moved by Pandit Ram Chandra Dobey to the effect that there is no necessity of Kar-i-Sarkar and that it should be stopped may be introduced in the House or not. Those members who are in favour of the introduction of this bill should please raise their hands and those who desire that the bill should not be introduced and taken into consideration will also please raise their hands.

NOTE.—Hands were raised.

Now those members who are not in favour of the bill being introduced will please raise their hands.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.):
32 against 33. I think ballot should be taken.

MR. JAGAT RAM ARYAN: As this bill concerns my community and the Government has not sympathized with it so I walk out as a protest.

NOTE.—Mr. Jagat Ram Aryan walked out.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.):
Result of Division:—Ayes 34 and Noes 36.

Therefore the bill will not be introduced because 34 members are in favour and 36 against the introduction of the bill.

MR. JAGAT RAM ARYAN: The Government has supported the continuance of an oppressive law. As regards the system in vogue, the Prime Minister of England delivered a speech which was broadcasted also. As this bill particularly relates to my community and by rejecting it, my community has been suppressed, therefore I walk out in a protest.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.):
Fourth Bill. Pandit Amar Nath Kak will move for leave to introduce a Bill to amend the Jammu and Kashmir "Land Revenue Regulation No. I of 1980."

PANDIT AMAR NATH KAK: Sir, I want to move for leave to introduce my bill.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.):
Yes, you can do so.

PANDIT AMAR NATH KAK: May I speak, Sir, probably no body is opposing.

THE HON'BLE MR. K. N. KNOX: The Government are opposing the bill, Sir, in its present form.

MOULVI MOHAMMED ABDULLA: (Addressing Pt. Amar Nath Kak) Will you speak in English.

PANDIT AMAR NATH KAK: No, Sir, in Urdu.

Law in the State was at first confused. In the year 1978 the Consolidation Regulation was framed by which such laws were enforced in the State which were prevalent in British India. The following is the clause 4(d) of this Regulation:—

4(d).—In questions regarding succession, inheritance, special property of females, betrothals, marriage, divorce, dower, adoption, guardianship, minority, bastardy, family relations, wills, legacies, gifts, wa'qf, partitions, castes or any religious usage or institution, the rule of decision is and shall be the Mohammedan Law in cases where the parties are Mohammedans and the Hindu Law in cases where the parties are Hindus, except in so far as such law has been, by this or any other enactment, altered or abolished or has been modified by any custom

applicable to the parties concerned which is not contrary to justice, equity or good conscience and has not been by this or any other enactment altered or abolished, and has not been declared to be void by any competent authority."

Before and after the enactment of this Regulation in the State the procedure as regards succession in the cities and towns has been governed by Personal Law, *i. e.* the partition of property is effected according to the Mohammedan Law amongst the Mohammedans and according to Hindu Law amongst the Hindus unless it has been modified in accordance with any valid custom.

As regards succession in the case of the agricultural land, the people in this State did not have the right of proprietorship before the enactment of this Regulation. In Jammu the people were treated as *Mulguzar* whereas in Kashmir they were treated as *Assamidars*. An *Assamidar* did not have the right of ownership rather he was an "occupancy tenant". His status was below that of a proprietor and above that of an occupancy tenant but for the purposes of succession an *Assamidar* was treated an occupancy tenant and the Punjab Tenancy Act was applied in this case; the provisions of that Act being the same as are laid down in section 67 of the State Tenancy Regulation.

Section 67.—"When a tenant having a right of occupancy in any land dies, the right shall devolve:—

(a) On his male lineal descendants, if any, in the male line of descent etc."

Explanation.—"Male lineal descendant includes a son formally adopted according to Hindu Law and in accordance with any Regulation in force in the State regarding such adoptions."

The result of this was that a sister or a daughter of the last male owner was not entitled to inherit the property in the event of their being even no male issue. In the case of there being a male issue even the daughter was not entitled to co-inherit and Personal Law was made applicable in the case of agricultural land. In 1978 a Regulation called Consolidation Regulation was passed. Personal Law was not applied in the case of agricultural lands at that time also but rather Punjab Tenancy Regulation was treated as a Customary Law and applied although this law could not be treated as Customary Law. In 1980 Land Revenue Regulation and Tenancy Regulations were passed in the State wherein a statutory provision was laid down in section 67 regarding the tenants and that this procedure was recognized as a statutory provision.

Succession as regards agricultural land was governed by it, although it could not be made applicable in the case of a *Malguzar* and a *Haq Assami* still it was applied. As a principle this procedure was applicable only in the case of a tenancy right. In the

Punjab succession is governed by Customary Law but as there is no Customary Law in Kashmir therefore it cannot be applied here. This principle of succession was applied in the case of tenants here and was treated as a custom. There is another difficulty and that is that there is a loophole in section 131 of Land Revenue Act on account of which custom cannot be taken into consideration in a particular case independent of Personal Law. That loophole lies in the word "or";

Section 131 reads:—

"(0) A *Malguzar* or *Assami* may at any time not less than six months before the termination of the agricultural year then current apply in writing to a Revenue officer, not below the rank of Wazir-i-Wazarat or Assistant Settlement Officer, for permission to relinquish all or any of the land in his possession with effect from the beginning of the agricultural year next following.

(2) A relinquishment of land under this section shall be made in favour of the State and it shall be at the discretion of the State to retain such land in its own possession or to dispose of it in any manner which it thinks fit.

(3) The Revenue officer shall inquire whether any person is willing to acquire the land relinquished and shall report the matter for the orders of the Governor not less than three months before the end of the agricultural year then current.

(4) If there are more persons than one who are willing to acquire the land, the Governor may give preference as between them:—

Firstly to relatives of the *Malguzar* or *Assami* relinquishing the land entitled to succeed to the land according to the Personal or Customary Law of the persons concerned."

As a result of this so far the agricultural lands are concerned no Revenue officer cares to see as to what is the provision of Personal Law to govern succession and it is applied as an alternative. Officers have got the option either to apply Personal Law or to apply Customary Law but in practice Personal Law is never applied. I do not have much information about Jammu, but it is possible the same may be the case even there but in Kashmir cases of succession as regards lands are generally decided independent of Personal Law—which procedure is against law. Possibly this would have been considered proper at the time when people had only *Assami* right for they were not owners of land.

"*Assami* is something less than the proprietor and something

more than the occupancy tenant. His position is intermediary, but now there is no such distinction. *Assamis* have been granted full proprietary rights. Previously as *Assami* status was better than that of an occupancy tenant and now he himself is the owner of the land occupied by him. It was necessary to have made sympathetic amendments in all laws subsequent to the grant of proprietary rights and the enactment of Land Alienation Regulation. Government, in its own motion, ought to have replaced the word "*Assami*" by "*Land-holder*" or "*Proprietor*" whenever it occurred but this was not done. Neither any clause was added to this effect nor any such amendment was made to Land Alienation or any other Act, although it was necessary that subsequent to the grant of proprietary rights the words "*Assami*" or "*Malguzar*" should have been replaced by the word "*Proprietor*" in the Tenancy and Land Revenue Regulations.

However, there occurs another word "*Land-holder*" in the Land Revenue Regulation. This is a word which includes all kinds of *Haqiyaldars*. It contains.—"*Land-holder* does not include a tenant or an assignee of land-revenue but does include land-owner, *Assami*, *Malguzar*, *Chakdar* and a person to whom a holding has been transferred or an estate or holding has been let in for under this Regulation.

The word "*Land-holder*" includes a proprietor, a *Malguzar* and an *Assamidar*. It is therefore that I have brought this bill before the Praja Sabha that the word "*Assami*" be replaced by the word "*Land-holder*" and the cases of succession be decided in accordance with Personal Law unless any valid custom to the contrary is proved. So far as succession is concerned, if my amendment is accepted, the people will be greatly benefited and it will serve as a suggestion to the Government also to effect changes wherever necessary. As this amendment bill concerns the people at large so it is very important and therefore I have brought it in an independent manner.

Occupancy tenants are also entitled to the privileges provided by the established custom but according to the Tenancy Act this thing is ignored and Personal Law also is not applicable here. The rest of the property is distributed according to Personal Law. Now as in India even Personal Law is applicable as regards the lands and when in the State proprietary rights have been granted therefore here also Personal Law should be made applicable in this behalf. If in accordance with any valid custom, Customary Law may have been given preference over Personal Law, that may be done.

The object of this bill is only to regulate the partition of all agricultural or non-agricultural, movable or immovable property according to one uniform principle. These are the reasons for

which I request for leave to introduce this bill.

MOULVI MOHAMMED ABDULLA: Are not the provisions of section 28 of Regulation No. 1 of 1991 repugnant. Does not this amendment seek to impose legal disability on any community governed according to Mohammedan Law.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): At present he is only asking for leave to introduce the bill. You can raise such objections when this bill is taken into consideration.

MOULVI MOHAMMED ABDULLA: Can the objection be raised even at the present stage? In accordance with this objection this bill cannot be introduced.

THE HON'BLE MR. K. N. KNOX: Sir, I feel that we have to deal here with a complicated proposal of my friend. I am fully aware that he has very close knowledge of Jammu and Kashmir and that I am a stranger with a very little knowledge of Jammu and Kashmir. I have little knowledge of the Punjab Rules and Regulations which to some extent have been adopted in this State and to which he himself has made reference in his speech that they have been copied in this State in the matter of succession and *Assami Morus Malguzar* rights. He himself, however, has supported the argument which struck me as I first received notice for bill and he has suggested that some substantial consequential changes may be made in the Tenancy Regulation and the State Land Revenue Regulation. This is my first difficulty, Sir, to accept the proposal that this bill should be introduced. I feel that both Regulations should be examined thoroughly by an Ad-hoc Committee or by a Select Committee. I think that this Committee should take into consideration not only the consequential changes in the Regulations as a result of grant of proprietary rights but also in each case it should see what effect it would have. There is no question of whittling down the Raj Tilak Boons so graciously granted by the Ruler some years ago and there is no doubt that all the *Assami Mourus* should get this right as a real right. At the same time the question of the succession is a question that concerns each particular class or caste and needs careful consideration. It seems quite possible that in many cases of our tribes, customs govern their case rather than Personal Law. What my learned friend said, that does not matter when it is proved beyond all doubt that custom should take the place of Personal Law provided it is not contrary to the fundamental principles of the religious doctrine of any community. If it is not so, let custom take its place. At the same time I also admit as my friend said that in his legal profession he came across cases in which customs only are considered. It did exist from the last two or three generations and primitive people generally followed the custom. In the first instance therefore I should propose a Round Table Committee to

consider this question and we should also have the representatives of certain tribes and classes before us. I understand that a list of tribes has been tabulated and bound down by certain scheme. I oppose the introduction of the bill in the present form and I think that a more comprehensive bill should be put forward for careful consideration around a table in a Committee.

PANDIT AMAR NATH KAK: I would submit that as in the case of all personal and other laws an Ad-hoc Committee is going to be appointed, this question will also be taken up by that Committee.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): But the fate of this bill has to be decided.

THE HON'BLE MR. WAJAHAT HUSSAIN: If he is satisfied he can withdraw the bill.

PANDIT AMAR NATH KAK: It can be withdrawn at any stage; so I am withdrawing it on the condition that it will be referred to a Select Committee.

THE HON'BLE MR. K. N. KNOX: I am prepared to give an undertaking.

The House then adjourned till 21st April 1937.

THE
JAMMU AND KASHMIR PRAJA SABHA DEBATES
(Official Report)

VOLUME VI.

PART IX

(21st April 1937)

SIXTH SESSION

OF THE

FIRST J. & K. PRAJA SABHA.



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JAMMU AND KASHMIR PRAJA SABHA.

Wednesday, the 21st April 1937.
9th Baisakh 1994.

The Praja Sabha met in the Praja Sabha Chambers, Ajaibghar, Jammu at Eleven of the Clock. Mr. President (The Hon'ble Sir Lal Gopal Mukerji Kt.) in the Chair.

NOTE.—Mr. Tobdan (Nominated Member from Ladakh took the prescribed oath of allegiance.

QUESTIONS AND ANSWERS.

505. MOULVI MOHAMMED ABDULLA (Shah Hamdan Srinagar City : Muslim) : (a) Is the Government aware that most of the peasants of villages are hard-pressed under debts and severely affected by the economic depression ?

(b) If the answer to (a) be in the affirmative, is it a fact that the Government has introduced schemes like rural reconstruction etc. for the amelioration of such people ?

(c) If the answer to (b) be wholly or partly in the affirmative, is it a fact that on account of economic depression and misery of indebtedness the minds of the people are not prepared to accept such reforms ?

(d) If the answer to (c) be wholly or partly in the affirmative, does the Government intend to completely relieve these indebted persons of villages from indebtedness ? If so, how ?

LALA HAVELI RAM (General Secretary on behalf of the Hon'ble Prime Minister) : (a) Yes, many of the peasants have been so affected ?

(b) Yes.

(c) No. Experience so far has shown that the public have welcomed the schemes.

(d) The Government have extended considerable relief to the rural masses by bringing on the Statute Book such beneficial legislation as the Agriculturists' Relief Regulation, the Jammu and Kashmir Village Panchayats Regulation No. 1 of 1992 and Aid to Agriculturists and Land Improvement Regulation No. VII 1993.

The Government have sanctioned the opening of two Rural Reconstruction Centres, one at Sri Ranbir Singhpora (Jammu Province) and the other at Baramulla (Kashmir Province). Steps are being taken to start regular training classes at these centres and to train the villagers in the technique of such

useful cottage industries as Poultry-farming, Fruit-growing, Apiculture, Sheep-breeding, Kitchen-gardening etc. Government are prepared to promote and support all practical measures directed to the object of redeeming the rural population from a life of poverty.

MOULVI MOHAMMED ABDULLA: Sir, I have not asked whether or not it is welcomed by the public. My question is whether they are able to accept the reforms or not when they are hard-pressed under debts?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Your question is such that no body can make out its meaning. Please change the wording of your question. As it stands it is ambiguous. You have received the reply to whatever you asked in the question.

MOULVI MOHAMMED ABDULLA: Sir, my second question is, what are the means to relieve these people from indebtedness. In the reply what has been said is poverty.

NOTE.—No reply was given.

506. MOULVI MOHAMMED ABDULLA: (a) Is the Government aware that the indebtedness of the illiterate peasants of villages and even of the craftsmen of towns is due to the fact that most of the Sahukars keep two ledgers with a view to avoid giving credit for the amount paid to them as well as to the fact that they add compound interest with the principal debt and get new bonds executed by the debtors for the total amount, and thus deprive the debtor of the benefit of the law?

(b) If the answer to (a) be in the affirmative, will Government make an inquiry in the matter and stop this fraudulent act of the Sahukars?

LALA HAVELI RAM: (a) and (b) Government have no knowledge of any such practice, and if any cases of keeping false books are brought to the notice of the courts, the Government are sure that the courts would take proper steps to bring the offenders to justice.

MOULVI MOHAMMED ABDULLA: It can never come to the notice of the courts. This is a fact that the Sahukars do not like this. Will the Government be pleased to enquire into the matter or not?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): The reply to this question is quite clear. Government have no knowledge of any such practice.

MOULVI MOHAMMED ABDULLA: Will enquiry be made if I bring it to the notice of the Government?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister): When you will bring it to the notice of the Government it will be considered.

507. MOULVI MOHAMMED ABDULLA: Is the Government

aware that in Kashmir Valley, certain Sahukars do not keep accounts and get thumb impression fixed on pronotes, which they obtain by paying only a part of the amount mentioned therein and cleverly get ex-parte decrees passed in their favour and get them executed after the lapse of the period fixed for getting such decrees set aside and the illiterate persons cannot stop such execution proceedings ?

If the answer to above be in the negative, will the Government inquire into the matter and stop this fraudulent act of the Sahukars ?

LALA HAVELI RAM : The Government have no knowledge that any such practice prevails among the Sahukars. The Government are, however, making an enquiry, and the result of the enquiry will be communicated to the member in due course.

508. MOULVI MOHAMMED ABDULLA : (a) Is it a fact that State-subjects in large number are found in a miserable condition working as coolies in the Punjab and being called by the name of "Hato".

(b) If the answer to (a) be in the affirmative, is it a fact that these people travel on foot and live like beasts untidy, naked and starving ?

(c) Does the Government intend to ameliorate the condition of these people ? If so, how ?

LALA HAVELI RAM : (a) A large number of Kashmiri labourers migrates to British India in the winter months. The Government have no knowledge that the condition of the labourers is miserable.

(b) The labourers generally travel on foot, but they do not live like beasts.

(c) Government are prepared to do everything to improve the condition of the labourers provided that the points on which they have any complaint are stated.

MOULVI MOHAMMED ABDULLA : You have stated that they do not live like beasts. I wanted to know whether the class of human beings who remain naked, sleep on the roads and put on dirty clothes are not living like beasts ?

THE HON'BLE MR. WAJAHAT HUSSAIN : This is what you believe. We do not agree to this.

509. MOULVI MOHAMMED ABDULLA : (a) Is it a fact that most of the State-subjects are poor, starving and indebted and the rest are extremely rich, capitalist and owners of property ?

(b) Does the Government consider it desirable to impose some suitable tax on the rich and help the poor with the amount thus collected.

LALA HAVELI RAM : (a) It is a fact that in this State as throughout the world the number of those who are poor is greater

than that of those who are rich.

(b) The Government have no intention of introducing any new tax in addition to those already imposed.

510. SARDAR KANHAYA SINGH (West Kashmir : Sikh) : The villages having no pasture-lands are exempted from Kahcharai just as a few villages in Muzaffarabad Wazarat are benefited by this concession. Is it a fact that the local officers have recommended for the remission of Kahcharai in village Patka, Tehsil Muzaffarabad and the papers were sent to the office of the Hon'ble Revenue Minister for sanction? Will Government please state as to what orders were passed on those?

Will Government remit Kahcharai tax in respect of those villages where the Kahcharai area is sandy and is not fit for grazing and where it is impossible for the cattle to go for the purpose of grazing?

COLONEL BALDEV SINGH PATHANIA (Governor Jammu on behalf of the Hon'ble Revenue Minister): *1st part.*—No. On a representation from the zamindars of village Patka, the Governor Kashmir had asked for orders as to how such applications were to be dealt with. No recommendation was made. In reply, orders were issued that a sifting enquiry should be made.

2nd part.—No promise can be given till the report is received and the real facts are known. On receipt of a complete report the case will be decided on merits.

SUBEDAR KHAN MOHAMMED KHAN (Bagh Sudhnuti-Poonch : Muslim) : If there are any villages in Poonch where there is no Kahcharai area will they be exempted from the payment of Kahcharai tax?

COLONEL BALDEV SINGH PATHANIA : This is a hypothetical question.

511. SARDAR KANHAYA SINGH : Are Government prepared to place a list on the table showing in detail, the number in each of the following departments, viz. Sericulture Department, Accountant General's office, Customs Department, Education, Judicial, Co-operative Departments, Income Tax, Electric, Public Works Department, Telegraph and Telephone Departments? The number of Gazetted officers, non-gazetted officials, clerks and menials may be separately stated and the community which each of them belongs to? If there is deplorable paucity of Sikhs in these departments, the reasons for it may also be stated? Will this paucity be removed in future? If the reply be in the affirmative, will it be put into practice with effect from the next year?

LALA HAVELI RAM : A statement giving the information asked for has been placed on the table of the Praja Sabha. Considering the numerical strength of the Sikhs in the State and their backwardness in Education their representation in services is not inadequate. The rest of the question does not arise.

	Hindus.	Mohammedans.	Sikhs.	Others.	Vacant.	Total.
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Public Works Department.

Gazetted	...	15	2	1	18
Non-Gazetted	...	286	39	14	1	...	340
Menials	...	104	36	17	2	...	159
							<hr/>
							517

Sericulture Department.

Gazetted	...	5	1	...	2	...	8
Non-Gazetted	...	67	21	...	...	2	90
Menials	...	142	190	15	...	...	347
							<hr/>
							445

Food Control Department.

Gazetted	...	...	1	...	1	...	2
Non-Gazetted	...	138	33	1	...	...	172
Menials	...	12	44	2	...	...	58
							<hr/>
							232

Accountant General's Office.

Gazetted	...	7	2	...	...	...	9
Non-Gazetted	...	201	30	...	...	...	231
Menials	...	24	14	5	...	...	43
							<hr/>
							283

Customs Department.

Gazetted	...	3	...	...	...	...	3
Non-Gazetted	...	259	46	8	1	...	314
Menials	...	261	113	22	7	...	403
							<hr/>
							720

Education.

Gazetted	...	55	17	2	3	...	77
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		Hindus.	Mohammedans.	Sikhs.	Others.	Vacant.	Total.
Non-Gazetted	...	1,528	973	91	25	...	2,671
Menials	...	249	196	26	8	...	479
							<hr/> 3,173

Co-operative.

Gazetted	...	2	6	...	...	...	8
Non-Gazetted	...	123	188	14	2	...	327
Menials	...	19	48	12	...	...	79
							<hr/> 414

Income-Tax.

Gazetted	...	2	2	...	1	...	5
Non-Gazetted	...	12	11	1	...	...	24
Menials	...	6	10	1	...	...	17
							<hr/> 46

Electric, Mechanical. Telegraphs and Telephones Department.

Gazetted	...	5	...	...	1	...	6
Non-Gazetted	...	191	65	2	13	...	271
Menials	...	88	58	14	6	...	166
							<hr/> 443

512. SARDAR KANHAYA SINGH : Is it a fact that the villages Arshakara, Kanjli Bagh and Khawaja Bagh have been included within the limits of the Town Area Committee and the Kahcharai area has also been included in the Town Area ?

If so, will Government please exempt the above villages from the payment of Kahcharai tax ?

COLONEL BALDEV SINGH PATHANIA : *1st part.*—Yes.

2nd part.—The matter is under consideration.

513. SARDAR KANHAYA SINGH : Is it a fact that the inhabitants of the village Shogapora, Tehsil Pratap Singhpora, have

started a Lower Middle School on their own expense from two years where education is being imparted to the students of every community, and applications for securing Government aid for this school were also made? Will the Hon'ble Home Minister please state what action has been taken on their applications? Will Government please encourage the people by declaring it a Government Middle School, or will they provide grant-in-aid for meeting the expenditure?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister): Reply to first part of the question is in the affirmative. These applications have been sent to the Director of Education. Shogapora school should send the grant-in-aid form duly filled to the Assistant Inspector concerned and on receipt of his report a grant-in-aid to this school will be given according to the rules.

514. SARDAR KANHAYA SINGH: The Hon'ble Prime Minister in a reply to my question Q. D. No. 594 stated that when on tour in Baramulla he saw the Sikh Boarding House at Baramulla from a distance but did not inspect it on account of the fact that he had to inspect many other places at Baramulla?

Will Government please state that when the Hon'ble Prime Minister visited Government or private educational institutions belonging to every community and when he paid visits even to religious places what prevented him from visiting the Sikh Boarding House or religious places when the Sikhs of Baramulla have done a lot by spending thousands of rupees on the educational institutions and when his visit could have encouraged the Sikhs? Will Government win the heart of the Sikhs in this respect?

LALA HAVELI RAM: It is regretted nothing can be added to the reply already given as Colonel Colvin has since left the service of the State.

515. PANDIT RAM CHANDRA DOBEY (Kathua: Hindu): In reply to my question Q. D. No. 495 of the last session regarding the diluvion of agricultural land situate near the Nullahs, it was stated by the Government that on lines of the Punjab Erosion Committee, a committee had been appointed in the State. Will the Government please place before the House the detail of work done by the committee so far?

COLONEL BALDEV SINGH PATHANIA: The Praja Sabha Sad is under misapprehension. It was not stated that an Erosion Committee had been appointed in the State. It was stated that the opinions of various officers had been called for on certain proposals. These have been received and it is under consideration to appoint a Committee of Enquiry.

PANDIT RAM CHANDRA DOBEY: Will the reply to my question of the last session be read out before the House? Will that Enquiry Committee be appointed now?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Please put your questions separately.

NOTE.—The reply of the last session was not available with the Hon'ble Revenue Minister at the time in the House.

COLONEL BALDEV SINGH PATHANIA : *2nd part*.—This is under consideration.

516. PANDIT RAM CHANDRA DOBEY : In reply to my question Q. D. No. 496 of the last session regarding woollen industry scheme the Government has stated that the matter was under consideration. Will the Government please place before the House the approved details of this scheme ? When will this scheme be given effect to ?

COLONEL BALDEV SINGH PATHANIA : The scheme under reference has been discussed with members of Kashmir Chamber of Commerce Srinagar and with prominent capitalists of Jammu, but so far no one has come forward to take it up.

PANDIT RAM CHANDRA DOBEY : Are the Government prepared to follow the previous scheme which was prepared by the Industries Department so that the capitalists may feel secured in co-operating in this direction.

THE HON'BLE MR. K. N. KNOX (Revenue Minister) : I have not seen this scheme as yet.

PANDIT RAM CHANDRA DOBEY : When will it be seen ?

THE HON'BLE MR. K. N. KNOX (Revenue Minister) : When I will find time for it.

517. PANDIT RAM CHANDRA DOBEY : Are Government aware that in the summer season many death cases occur by snake-bites in Kandi Illaqa ? Will Government adopt sound practical measures to control this ?

THE HON'BLE MR. K. N. KNOX (Revenue Minister) : Yes, so far no such treatment has been discovered.

PANDIT RAM CHANDRA DOBEY : Has the Government attempted to get an information in the matter. If so, what have you done so far ?

THE HON'BLE MR. WAJAHAT HUSSAIN : As regards "What" and "When" it can be known by going through the papers. But attempt has already been made.

518. PANDIT RAM CHANDRA DOBEY : Cows and oxen found in Kathua District are feeble and of poor breed. Will Government kindly arrange for the provision of bulls of good breed in important villages through the Zaildars of the Illaqa for the improvement of the breed of cows ?

COLONEL BALDEV SINGH PATHANIA : Cattle in Kathua as elsewhere are poor in quality. Proposals for supply of improved Stud bulls for breeding purposes to suitable representatives in Kathua and various other selected places in the country have been sanctioned by Government.

PANDIT RAM CHANDRA DOBEY : Will the Government please supply the detail of the order of sanction on the proposal for Kathua District ?

THE HON'ble MR. K. N. KNOX : I have not got the details here with me, Sir. I require notice.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : He has not got the details with him at present please give notice for this.

519. KHAWAJA SAIF-UD-DIN SHAH (Baramulla: Muslim) : Are the Government, in view of the inconvenience to the public, prepared to construct a bridge at Baramulla in the coming year ? Are Government prepared to construct the bridge in the centre of the town on its old site ?

THE HON'BLE MR. WAJAHAT HUSSAIN : Yes, the selection of site is under consideration.

520. KHAWAJA SAIF-UD-DIN SHAH : Will the Government please state what is the amount of the Road Cess of each Tehsil of the Kashmir Valley which is realized along with the land-revenue ?

(a) Is the whole of the Road Cess spent on the rural roads ? If the answer be in the affirmative, what is the reason that the rural roads are usually bad and impassable for traffic ?

(b) Will the Government give special consideration to it in the current year's budget ?

COLONEL BALDEV SINGH PATHANIA : The demand under Road Cess Tehsilwise, is as under.

	Rs.	Rs.
Srinagar	7,189	42,095
Anantnag	10,920	
Kulgam	12,296	
Pulwama	11,690	
Badgam	13,217	37,435
Baramulla	11,407	
Handwara	12,811	

(i) Yes, the money is insufficient for putting the roads into the condition expected in modern times.

(b) Yes, to the extent of funds available.

521. KHAWAJA SAIF-UD-DIN SHAH : Will the Government please state as to whether they take into account the proportion of population at the time of retirement or new appointments of Government employees ?

LALA HAVELI RAM : The question is not clear enough for a definite answer.

522. KHAWAJA SAIF-UD-DIN SHAH : Will the Hon'ble Revenue Minister please state what is the number of Wazifakhars

in the Revenue Department in each tehsil and what are their salaries ?

(a) What are the pays of the Jamadars of Wazarats, the peons of the Governor's office and that of the Revenue Minister respectively ?

(b) What is the criterion for giving promotion to the Wazifakhars and when are promotions given to them ?

(c) How many posts of Patwaris fell vacant in the past two years and were all of these posts filled up by appointing Wazifakhars ? If not, why not ?

COLONEL BALDEV SINGH PATHANIA :

List of Revenue Department Wazifakhars in each Tehsil.

Kashmir Province.		Jammu Province.		Frontier District.	
Tehsil Khas	... 5	Tehsil Jammu	... 3	Skardu	... 4
Pulwama	... 4	Akhnoor	... 3	Kargil	... 4
Kulgam	... 4	Ranbirsinghpura	3	Ladakh	... 2
Anantnag	... 5	Samba	... 3	Bunji	... 1
Baramulla	... 4	Kishtwar	... 3		—
S. P. S. Pura	... 4	Ramnagar	... 3	Total	... 9
Uttarmachipura	... 4	Kathua	... 3		
Uri	2	Jasmergarh	3		
Karnah	... 2	Basohli	... 3		
Muzaffarabad	... 3	Mirpur	... 4		
	—	Bhimber	... 4		
Total	... 37	Kotli	... 4		
		Reasi	... 4		
		Rajouri	... 4		
		Udhampur	... 2		
		Ramban	... 2		
		Bhadarwah	... 1		
		Total	52		

(All these Wazifakhars are paid at Rs. 15 per mensem with the exception of Bhadarwah Wazifakhar, who is paid at the rate of Rs. 11 per mensem.

(u) Revenue and Governor's office Jamadars get Rs. 18 per mensem, Wazarat Jamadars get Rs. 16 per mensem, Revenue and Governor's office peons get Rs. 12 plus Rs. 2 per mensem.

(b) Wazifakhars are probationers for the post of Patwar and promotions are given to them on occurrence of vacancies.

(c) In Jammu 43 posts of Patwaris fell vacant during the last two years, out of which 32 were filled by promoting Wazifakhars. In Kashmir 9 posts fell vacant, out of which 4 were filled by promoting Wazifakhars. In Ladakh 6 posts fell vacant, out of which 3 were given to Wazifakhars.

523. KHAWAJA SAIF-UD-SHAH : Is it a fact that the Wazifakhars of the Judicial Department have been brought in the grade of 20-1-35, and that even the copyists who used to get Rs. 6 per mensem were promoted to the same grade? What is the reason for this discrimination in the two departments (Revenue and Judicial) of the same Government? Are the Government prepared to bring those Wazifakhars of the Revenue Department in the grade of clerks when they are made to work as much as other clerks do? If so, when, if not, why?

COLONEL BALDEV SINGH PATHANIA : No. The term Wazifakhar in the Judicial Department denotes candidate for clerkship, while in the Revenue Department it means candidate for Patwaris' post. Wazifakhars of the Revenue Department are paid from the Patwar Fund?

In the Judicial Department copying fees establishment was brought in the grade of Rs. 20-1-35 and soon after, the same treatment was extended to the copying fees establishment of the Revenue Department.

524. SARDAR DHIAN SINGH (Mirpur-Poonch : Sikh) : (a) Is it a fact that at the suggestion of the Mahant Gurdwara Langalli Sahib and keeping in view the importance of the said shrine that the travellers get free board and lodging in the Gurdwara, Sri Raja Sahib of Poonch was pleased to call for the proposals regarding the electric connection being given to the Gurdwara?

(b) If the answer be in the affirmative, it may please be stated as to what action has so far been taken and when the Raja Sahib's orders regarding the supply of the electric current can be expected to be complied with?

WAZIR FERROZ CHAND (Wazir Poonch on behalf of the Hon'ble Revenue Minister) : (a) Yes.

(b) The Machines in the Electric Power House are not capable of supplying extra light on a large scale as they are even now running over-load. The Gurdwara is situated at a distance of more than three miles from Poonch and the taking of current there would entail large expenditure at the outset and also some expenditure of a recurring nature. In view of such expenditure the work was not found to be advantageous to the Electrical Department.

(c) Sri Raja Sahib Bahadur had not sanctioned the work and for reasons given above the matter has been dropped.

SARDAR DHIAN SINGH : When the arrangement will be made on a large scale and the big machines will be installed ; will the same arrangement be made there also ?

WAZIR EEROZ CHAND : Yes, it can be done at that time.

525. **SARDAR DHIAN SINGH :** Are Poonch Government aware that the fort in Tehsil Bagh which was constructed in the reign of Shri Maharaja Gulab Singh Ji Bahadur contains a monument of Shri Sant Mela Singh Sahib and that owing to the fort being occupied by the Police the reverence of the shrine is not maintained ? If the answer be in the affirmative, will Poonch Government in order to maintain the sanctity of the shrine order for setting up the fence around it and will issue proper instructions for its repairs ?

WAZIR FERROZ CHAND . Yes, so far as the first part of the question goes.

The Tehsildar has been asked to prepare estimate for setting up a railing around the sacred place.

SARDAR DHIAN SINGH : Thanks.

526. **SARDAR DHIAN SINGH :** Is it a fact that relief was granted by the Government to the sufferers of Mirpur in 1988 for the reconstruction of their houses etc. but that in spite of the houses having been reconstructed by many persons, the full amount has not so far been paid to them ? If the answer be in the affirmative, will Government please state reasons for meeting out differential treatment to them ? When will the rest of the amount be paid to them ?

THE HON'BLE MR. WAJAHAT HUSSAIN : A sum of Rs. 3,51,123 was sanctioned by Government for reconstruction of houses burnt during the disturbance of Samvat 1988. The amount has been distributed to deserving persons according to the lists and estimates prepared by the Public Works Department in consultation with the local Revenue officers. No differential treatment has been meted out, but if the Praja Sabha Sad points out any specific instance enquiry will be made by Government.

527. **SARDAR DHIAN SINGH :** (a) Is it a fact that taking into consideration the fact that the Sikh community in Poonch is in minority and yet it is important and Sri Raja Sahib of Poonch was pleased to include them in the list of agriculturists classes ?

(b) Is it also a fact that 98 per cent. of the Sikhs of Poonch depend only upon agriculture and the rest 20 per cent. are the Sahukars only ?

(c) Is it also a fact that the community of which 75 per cent. population depends upon the agriculture can be nominated as agriculturist class ?

(d) Is it also a fact that Poonch resembles with Kashmir as

regards its population, climate and natural conditions and that cannot be so compared with the Jammu Province and whether in the correspondence with the British India and His Highness' Government Poonch is named as Poonch-Kashmir?

(e) Have the Sikhs of Kashmir with the exception of a few been declared as agriculturists?

(f) If the answer to all the above be in the affirmative, what are grounds for declaring the Sikhs of Poonch as non-agriculturists? Will the Government, having regard to the facts stated above the treatment which has been meted out to the Sikhs of Kashmir, please stick to its decision already arrived at and declare the Sikhs of Poonch as agriculturists? If not, why? Detailed reasons may please be stated?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): (a) The Sikhs were not as a class included in the list of Agricultural Classes that was notified in the first instance as only such of them were included as held Assami rights or occupancy rights prior to the year 1984.

(b) Brahmin Sikhs live mainly on agriculture but not other Sikhs.

(c) Yes.

(d) The northern part of Haveli and Bagh Tehsils, resemble Kashmir in climate and physical features and Mendhar and Sudhnuti Tehsils generally resemble the adjoining Tehsils of the Jammu Province. Yes, in correspondence Poonch (Kashmir) is generally used.

(e) Yes.

(f) Sikhs were not shown as a class by itself in the Land Records, in fact no person is recorded as a Sikh in them. Therefore according to the entries of Land Records Sikhs are not and cannot be treated as a class. The vast majority of the Sikhs living in the Illaqa are Brahmins and recorded as such in the Land Records. They have therefore all been included in the revised list like other Brahmins. Khatri, Mahajan, Arora and Zargar classes have all been excluded from the list and therefore those Sikhs who belong to these classes have been excluded automatically. These latter classes do not live upon agriculture and therefore they could not be included in the list. The number of Sikhs belonging to these classes is not large. The question of including Sikhs in the list as a class does not therefore arise.

SARDAR DHIAN SINGH: There is some mistake in this translation.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Do you understand English?

SARDAR DHIAN SINGH: Yes, I do. (Read out the translation of his question) Sir, it is given in part (b) that is it also

a fact that 98 per cent. of the Sikhs of Poonch depend only upon agriculture and the rest 20 per cent. are the Sahukars ; after 98 per cent. there must be 2 per cent. and not 20 per cent.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Please see the reply in English.

NOTE.—The Secretary went to member's seat to show him the answer in English.

SARDAR DHIAN SINGH : When the Sikhs have been regarded as a community and their rights have been recognized and they have been given a separate representation and in the meanwhile the Sikhs of Kashmir have been declared as agriculturists then why are they treated otherwise in the Poonch State ?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You should not ask so many questions all atonce.

SARDAR DHIAN SINGH : When the circumstances are such.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Please give up saying this "when". (Laughter)

SARDAR DHIAN SINGH : Sir, I want to know as to why there is a difference when the conditions are same and why the people of Poonch are being treated otherwise than they are treated in Kashmir ? It is a rule in Kashmir that if 50 per cent. of the members of a community follow agriculture the whole of the community is declared as agriculturists. But as regards Poonch 98 per cent. of the Sikhs earn their livelihood by cultivating land. Why have they not been declared as agriculturists ?

WAZIR FEROZ CHAND : We have not followed Kashmir.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You have received the reply that all these are Sikh Brahmins and Brahmins have already been declared as agriculturists.

SARDAR DHIAN SINGH : Sir, Government is the same so there must be the same rule under the same Government. Why is this not followed ?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You will please put a question if there is any. I do not allow you to discuss.

SARDAR KANHAYA SINGH : The community which has got the 50 per cent. of the people as agriculturists will they be declared as agriculturists in the Kashmir State. Is the same rule also applicable to Poonch ? Is the same standard followed there ?

WAZIR FEROZ CHAND : There is the same standard of 50 per cent.

SARDAR DHIAN SINGH : Will the rule which is in force in Kashmir be put into practice in Poonch also ?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Answer has been given. It will not be followed there.

SARDAR DHIAN SINGH : What are the reasons then ?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :

You cannot enquire about the reasons.

528. SARDAR DHIAN SINGH : Will Poonch Government please state at least explain as to why the Khattris whose names have been entered in the Misl Haqiat (Record of Rights) of 1960 and who with their own hands cultivate lands and are not Sahukars are not treated in the manner in which the Khatri Lambardars of Illaqa Poonch whose names have been entered in the Record of Rights of 1960 have been treated by declaring them as agriculturists? Will Government now declare all such Khattris as agriculturists? If not, what are the reasons therefor?

WAZIR FERAZ CHAND : The Khattris as a class are not agriculturists and as such have not been included in the list. In view of the fact that persons who were entered as Lambardars at the time of the last Settlement were so entered mainly because of their being hereditary agriculturists, a special provision has been made in the notified list to the effect that all such Lambardars to whatever class they belong shall be deemed to belong to an agricultural class. Under the special provision some Khatri Lambardars have come in the lists like Lambardars of other non-agricultural classes. This was done on the analogy of the Jammu Province where persons holding certificates of being hereditary agriculturists have also been included in the list. For reason given above a member of Khatri or any other non-agricultural class will not be included in the list for the simple reason that he holds Assami rights since the last Settlement.

SARDAR DHIAN SINGH : According to the entry in Record of Rights certain Khattris who had been Lambardars were declared as agriculturists why the other Khattris whose names have also been entered in the Record of Rights were not declared as agriculturists like the Lambardar Khattris?

WAZIR FERAZ CHAND : This concession was granted only to the Khattris who were Lambardars and this concession was given to that person who was a Lambardar whatever community he belonged to.

SARDAR DHIAN SINGH : Why not the other member of the same community be granted the concession when the person of the same community is being declared as agriculturist?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The reply has been given

SARDAR HARI SINGH : The definition of the agriculturist is this, Sir.....

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : No, no, now it is next question.

529. PEER-HISSAM-UD-DIN (Poonch: Muslim): (a) Will the Poonch Government please state whether Forest Regulation No. 2 of 1987 is enforced in Poonch?

(b) If the answer be in the affirmative, has the Poonch Government while granting concessions to the Poonch public regarding the forest products imposed the restriction that only those people will be entitled to concessions who live in villages situated within three miles of the boundary line of a demarcated Forest?

(c) If the answer be in the affirmative, will the Poonch Government please state the reasons for the imposition of such restrictions of three miles in Poonch?

(d) Has the Poonch Government while enforcing such concessions kept in view the differences of the local conditions of Jammu and Kashmir and Poonch?

(e) Have the Poonch Government ever cared to see that the Poonch subjects are already labouring under so much economic depression that if the restriction of three miles is not removed as soon as possible, it will lead to very serious consequences?

(f) Are the Poonch Government taking into consideration the difficulties of the Poonch citizens and rural zamindars whose villages lie at great distance from the forests prepared to remove the above restriction when under the Forest Regulation Sri Raja Sahib Bahadur is competent to repeal or amend the laws in this respect?

WAZIR FERAZ CHAND (Wazir Poonch): (a) Yes.

(b) Three miles restriction has been imposed with regard to purchase of standing trees only.

(c) This restriction is based on the rules in force in the State in this behalf.

(d) Yes.

(e) Almost all the villages are situated within the prescribed radius from the demarcated Forests and therefore they take full advantage of the concession. There are very few villages that are affected by the restriction. The question of any serious consequences does not therefore at all arise.

(f) In view of the above, the question does not arise.

PEER HISSAM-UD-DIN: Will it be considered once again after studying the local conditions of Poonch?

WAZIR FERAZ CHAND: The local conditions were considered at that time also but if there is any particular complaint it will be considered.

530. PEER HISSAM-UD-DIN: (a) Is it a fact that in the Illaqa of Poonch it is necessary to obtain permission for the Nautor of Haq Assami Kaps?

(b) If the answer be in the affirmative, are Government prepared to do away with this restriction in view of the fact that the zamindars possess the Haq Assami of these Kaps?

(c) If the answer to part (b) be in the negative, will Govern-

ment please state as to what hitch is there in removing this restriction ?

WAZIR FERROZ CHAND : (a) Yes, the permission of the Chief Revenue Officer has to be obtained.

(b) The question of the removal of this restriction will be considered as soon as demarcation is finished.

(c) The question does not arise.

531. PEER HISSAM-UD-DIN : (a) Has the Poonch Government very recently published any amended list of the agriculturist classes under Land Alienation Regulation ?

(b) If the answer be in the affirmative, has this been kept in view that the object of Land Alienation Regulation is merely to protect the poor zamindars from the Sahukars ?

(c) Has the Poonch Government declared Doms and Chamars as agriculturists ?

(d) If the answer to (c) be in the affirmative, will the Poonch Government please state the total population of the Chamars and Doms in Poonch separately and the total amount of land-revenue paid by each of these communities annually ?

(e) How many classes whose population is more than that of Doms and Chamars and who pay more land-revenue than the Doms and Chamars pay, have been declared non-agriculturists in Poonch ?

(f) Has the fact come to the notice of the Government that many such communities who are hereditary State-subjects and agriculturists and who have never been so far Sahukars have been removed from the previous list of agriculturists ?

(g) Will the Poonch Government appoint a commission like that of Jammu and Kashmir Government who may submit its report to Sri Raja Sahib after studying the local conditions of Poonch ?

WAZIR FERROZ CHAND : (a) Yes.

(b) Yes, this was one of the main objects.

(c) Yes.

(d) The population of Doms and Chamars is 47 and 185 respectively and the land-revenue paid by them Rs. 7 and 34 respectively. These two classes have been included as they are village Kamins. It may be remarked here that they have been included in the list of agricultural classes in all the five Districts of the Jammu Province.

(e) There are 24 classes paying more land-revenue than Doms and Chamars who have been excluded from the list of agricultural classes.

(f) No agricultural class has been excluded from the list.

(g) There is no necessity of appointing a commission to enquire into the claims of those excluded from the list. Most of

such classes have already submitted applications for inclusion in the list which have been forwarded to the Chief Revenue Officer for enquiry and report. On receipt of his report necessary action will be taken.

532. PEER HISSAM-UD-DIN : (a) Will the Poonch Government please state how many scholarships have been granted by the Poonch State to the Muslims in order to make up the deficiency of Muslim element ?

(b) Are Poonch Government prepared to declare Sardar Yar Mohammed Khan, B. A., who is going to England for Bar, a candidate for any higher post suitable to the knowledge which he is going to acquire and in view of the fact that he belongs to a family which is Jagirdar, Inamkhar and which pays a heavy amount of the land-revenue ?

WAZIR FERAZ CHAND : Twenty scholarships have been awarded to Muslims for training in various departments in last few years.

(b) This part of the question is premature. The question of his employment in Illaqa service will be considered on his return after duly qualifying himself.

533. PEER HISSAM-UD-DIN : (a) Has it come to the notice of the Government that Sardar Noor Mohammed Khan, B. A., LL. B., is the first graduate from the caste "Dholi" ?

(b) If the answer to (a) be in the affirmative, are Poonch Government prepared to appoint him to some suitable post at an early date ? If not, why ?

WAZIR FERAZ CHAND : (a) Yes.

(b) The question of his appointment will be considered when a vacancy occurs.

534. HAJI AHMEDULLAH SHAHDAD : (a) Why is it that there are only 33 elected members as against 42 Government supporters in the Praja Sabha and

(b) Is it not against justice ?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) According to the constitution of the Praja Sabha the number of elected members is 33 and that of the nominated and official members 30 and 12 respectively. Both elected and nominated members represent different classes of the people

(b) No.

535. HAJI AHMEDULLAH SHAHDAD : (a) Is it a fact that 33 votes can never succeed against 42 votes ?

(b) That it is necessary to have a majority of public representation to fulfil the purpose of having the Praja Sabha.

(c) That the public are demanding reform in the present constitution of the Praja Sabha through Press and Platform.

(d) If the answer to (a), (b) and (c) be in the affirmative, it

may please be stated as to when will the Government introduce the reforms asked for? If not, why?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) Obviously not. The attention of the member is however drawn to the reply given to Q. D. No. 29 answered on 20th April 1937 in which the composition of the Sabha has been explained. Nominated members are free to exercise their vote in any manner they choose.

(b) The elected and nominated members who represent different classes of people number 63 against 12 official members.

(c) There is a demand but it appears to be confined to a section of the public.

(d) Does not arise.

HAJI AHMEDULLAH SHAHDAD : If the nominated members continue to give votes against the Government will they be nominated again?

THE HON'BLE MR. WAJAHAT HUSSAIN : Yes.

MIRZA M. A. BEG : Pardon Sir.

THE HON'BLE MR. WAJAHAT HUSSAIN : The reply is "yes".

536. HAJI AHMEDULLAH SHAHDAD : (a) Is it a fact that the Illaqa of Drava is the worst and the most backward Illaqa of Tehsil Karnah?

(b) That complaints have on several occasions been made through papers against the oppressions of the employees of Forest Department?

(c) That demand for appointment of an enquiry commission in this behalf was made by the public *vide* page 2 of Haqiqat dated 11th of February 1937?

If the answer to (a), (b) and (c) be in the affirmative, it may please be stated as to what steps have the Government taken in this behalf? If not, when will the steps be taken?

THE HON'BLE MR. K. N. KNOX : (a) The Illaqa of Drava is no doubt a backward area as regards development and education, but it is notorious for incorrigible Kuth smugglers?

(b) Such complaints have appeared in the Haqiqat paper but the allegations made therein were challenged by the Dravis as well as by the Divisional Forest Officer.

(c) The Haqiqat does not represent the whole public. However at the request of the Divisional Forest Officer a joint enquiry by the Revenue and the Forest Departments had already been ordered by the Government.

537. HAJI AHMEDULLAH SHAHDAD : Is it a fact that the President of the Kashmir Social Uplift Association had warned the Head Mistress of the Girls High School Srinagar to the effect that she should have proper control over the school and that she should remove all irregularities of the school? In reply to this Government had warned the President of the Social

Uplift Association to desist from bringing such facts in writing? If the answer be in the affirmative, will Government place on the table of the House the facts about the irregularities which are mentioned in the letter?

THE HON'BLE MR. WAJAHAT HUSSAIN : Two men were found near the girls' school several times and they were warned by the Police not to stay near the school. This made them to put in a baseless and a false complaint against the Head Mistress.

538. HAJI AHMEDULLAH SHAHDAD : Is it a fact that Pather Masjid and Ali Masjid of Srinagar are unfit for use due to these being in a wretched condition?

(b) That the Government have obtained help from the zamindars for the repairing of Jumma Masjid, Srinagar? If the answer be in the affirmative, will the Hon'ble Minister concerned please state whether such steps have been taken or they are going to take for the repairing of these two mosques?

THE HON'BLE MR. K. N. KNOX : (a) Both mosques though requiring repairs are in use.

(b) *1st part.*—As a special case three pies in a rupee were realised for repairs to Jumma Masjid from the zamindars along with the land-revenue as they were anxious for the levy of a general subscription.

2nd part.—None. The Jumma Masjid was a special case.

HAJI AHMEDULLAH SHAHDAD : Is it not a fact that like Jumma Masjid Ali Masjid and Pathar Masjid are the monuments of ancient days?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : What is the difference between these?

THE HON'BLE MR. K. N. KNOX : The Jumma mosque was a special case and therefore the Government has given three pies per rupee for the repair of the mosque. The Government cannot take the case of all the mosques as special case.

HAJI AHMEDULLAH SHAHDAD : I could not follow, Sir.

NOTE.—The Hon'ble Home Minister repeated the same reply in Urdu.

539. KHAWAJA AKBAR DAR (Awantipura : Muslim) : (a) Is the Hon'ble Revenue Minister aware of the fact that heretofore the adjacent hills were used for the grazing of the cattle for the inhabitants of the Illaqa Khonmoh, Tehsil Khas?

(b) Is it a fact that the entire areas of the hill have been reserved and enclosed by the Shikargah Department and therefore the cattle of the inhabitants of the Illaqa of Khonmoh do not go there for grazing now?

(c) If the answer to part (b) be in the affirmative, what are the reasons therefor?

(d) What measures have the Government devised to provide facilities for the cattle of the said Illaqa?

THE HON'BLE MR. K. N. KNOX : (a) Yes, excepting Rakh area.

(b) No.

(c) Does not arise.

(d) The following areas are reserved for the different villages for grazing where the cattle of these villages graze :—

	K	M
1. Khonmoh	... 3,560	11
2. Zewan	.. 52	10
3. Samura	... 52	10
4. Achhnambal	... 188	0
5. Balhama	... 1,130	0

540. KHAWAJA AKBAR DAR : In reply to Q. D. No. 891 of the last session it was stated that if after enquiry it was considered necessary that arrangements would be made for special repairs, will Government please state as to what has been the result of the enquiry ?

(b) Will the important main road which has been wanting repairs for years together be made fit for traffic so that all those difficulties which are experienced by general wayfarers and travellers day and night on this road be removed ?

THE HON'BLE MR. K. N. KNOX : (a) Orders for special repairs were issued in October 1936.

(b) The question of transfer of first six miles from the Forest to the P. W. D. is under contemplation. The remaining length is as usual looked to by the Revenue Department.

KHAWAJA AKBAR DAR : Have some provisions been granted for the improvement of that road ? Have its repairs been taken into hand ?

How many miles of this road have been repaired which are fit for travelling ?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : What is your question ?

KHAWAJA AKBAR DAR : It is with regard to part (b) of my question.

THE HON'BLE MR. WAJAHAT HUSSAIN : He asks how much money has been sanctioned for the construction of this road, and how much of it has been repaired.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Yes.

THE HON'BLE MR. K. N. KNOX : I cannot answer that.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The work of repairing has begun.

KHAWAJA AKBAR DAR : How many miles of the road have been repaired ?

THE HON'BLE MR. K. N. KNOX : That must have been supplied.

THE HON'BLE MR. WAJAHAT HUSSAIN: Yes.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Yes.

KHAWAJA AKBAR DAR: Will the Hon'ble Education Minister please state whether there is any rule that a student who has failed for two years cannot get himself admitted in the school again? Is not such a restriction discouraging for the people of Kashmir in general and for the Muslims in particular?

(b) Will it not act as a obstruction in the way of Muslims to acquire education?

(c) Does it not amount to an stringent law in veiw of the educational backwardness of the Muslims?

THE HON'BLE MR. WAJAHAT HUSSAIN: (a) Yes. But by imposing this restriction the education does not suffer, because the un-worthy students make the worthy students unworthy.

(b) and (c) These questions do not arise.

MIAN AHMED YAR: Since when is this rule in force in the State?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji: When the parents will have the experience of their children.

MR. PRESIDNT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Since how long has this rule been enforced in the State?

MIAN AHMED YAR: I want to know that since when is this in force?

THE HON'BLE MR. WAJAHAT HUSSAIN: I think it is in force for the last three or four years.

MIAN AHMED YAR: But there is no such rule in the Punjab.

THE HON'BLE MR. WAJAHAT HUSSAIN: We have got no concern with the Punjab.

MIAN AHMED YAR: At least it may be told as to whether there is any such rule in the Punjab.

THE HON'BLE MR. WAJAHAT HUSSAIN: What is the use of it?

542. KHAWAJA AKBAR DAR: Will the Hon'ble Education Minister please explain the following matters:—

(a) Whether part first of the Resolution No. 2 brought forth by me as Member of the Praja Sabha was passed by the House?

(b) Whether the part of this resolution which was passed is as follows:—

“Compulsory education in the art of Patwar and Agriculture be imparted to the zamindar boys regularly in village primary schools”.

(c) Has this resolution been enforced? If so, since what date?

(a) Have the instructions in the art of Patwar and Agriculture been regularly started in the village schools in Kashmir?

(c) If it has not been enforced so far, what action has then been taken with regard to this within one year's time?

(f) What book has been selected for teaching the art of Patwar and Agriculture and who is its author?

(g) What courses have been prescribed by the Education Department for education in Patwar and Agriculture?

(h) If not such education has been started in the village schools so far it may be stated on what lines does the Education Department intend to start instructions in the art of Patwar and Agriculture?

(i) Has the book "Patwar" mention of which has been made in the last part of the said resolution No. 2 been examined by the Education Department? If so, what has been the result of this?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) Yes.

(b) Yes.

(c) Yes, from this year.

(d) and (e) Orders have been issued, and from this year regular instruction will be given.

(f) and (g) No particular book is necessary for teaching Patwar. Arrangements are being made through the Revenue Department to procure old and weeded out files and papers relating to Patwar for primary schools (4th and 5th primary classes viz. Upper Primary Department). For giving instruction in Agriculture an Agriculture Primer Published by the Anjuman Himayat Islam, Lahore has been prescribed for the time being, but from the next year lessons on agriculture will be included in the Urdu courses of the Upper Primary Department.

(h) The question does not arise.

(i) As it was not considered necessary to prescribe any particular book for teaching Patwar, the book referred to by the member was not considered.

NOTE.—When the Hon'ble Home Minister began to read the reply in the House Khawaja Akbar Dar said that he did not want to hear the reply.

543. KHAWAJA AKBAR DAR : Is it a fact that His Highness the Maharaja Bahadur has prohibited eight years ago the construction of new houses by the inhabitants of Illaqa Mirbehri who live on the banks of Dal? If the answer be in the affirmative, it may be stated whether this order is to remain permanently in force or for some specified time only?

(b) If it is to remain permanently in force it may be stated as to why these people are not allowed to settle down at other places?

(c) If this order is to remain in force for a specified period it may be stated whether that period exceeds 8 years and how long this restriction will remain in force?

THE HON'BLE MR. K. N. KNOX : (a) In 1932. Construction of houses within three miles of the Gulab Bhawan Palaces

towards the Chashma Shahi and Theed sides was prohibited. This prohibition is still in force, and will remain so, so long as acquisition proceedings of this area are not completed.

(b) and (c) Do not arise.

KHAWAJA AKBAR DAR : I have not got the reply of part (b) of the question.

COLONEL BALDEV SINGH PATHANIA (Governor Jammu) : There are three parts of the question.

NOTE.—Kh. Akbar Dar reads part (b) of the question and says "No reply has been given to this part".

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You have been given reply to this part. Have you not got a written answer to this ?

KHAWAJA AKBAR DAR : Yes Sir, I have got it.

544. SHEIKH MOHAMMED AMIN (Jammu City: Muslim) : (a) Will Hon'ble Revenue Minister please state by how much are the rates assessed in the State higher than those assessed in the adjacent Tehsils of the Punjab and what are the reasons for increase in the rates ?

(b) Will Government pay attention to the question of remitting the land-revenue arrears which have been outstanding on account of economic depression and in view of Kharaba, Burdi, Regmar and Panimar of the previous years ?

THE HON'BLE MR. K. N. KNOX : (a) The Assessment Reports of the British Illaqa which adjoins the State territories are not available in our State Records in absence of which information announced on the floor of the Sabha the same principle of assessment was adopted in the State as was in force in the adjoining Illaqa viz. half-net-assets.

(b) Special rules have been sanctioned to deal with these matters. There is no case for special treatment outside the rules. Action is and will be taken on the merit of the cases under the existing rules.

MIAN AHMED YAR : It is a rule in the Punjab that assessment of land-revenue is being made on the half collections of land. Is that still in force there in the British territories or not ?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Repeats the same question.

THE HON'BLE MR. K. N. KNOX : I do not know whether it is in force in the Punjab or not.

MIAN AHMED YAR : Will the rates be decreased here if they be reduced in the Punjab ?

(No reply was given)

545. SHEIKH MOHAMMED AMIN : In view of the fact that for want of the fruit market at Jammu, the fruits of Kashmir are being exported to outside the State and thereby outside Illaqa

are benefited by their trade. Will Government make Jammu city a centre for fruit trade and set up a fruit market there in order to encourage the trade of Jammu city? If the answer to the above be in the affirmative, will Government please state as to when they will give effect to it?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : The construction of combined vegetable and a fruit market is already under the consideration of the Municipal Committee and Rs. 6,000 have been allotted in the current year's budget of the Jammu Municipality to make a beginning in this direction.

SHEIKH MOHAMMED AMIN : Thanks.

546. SHEIKH MOHAMMED AMIN : Will Government please inform about the result of the assurance which they gave in connection with the question of the appointment of a Commission for the reduction in road-toll during the last Srinagar session?

(b) Will it also be stated as to what reduction has been recommended by the Commission in the road-toll and whether a proportionately less road-toll be charged for the Banihal Road which is as compared to Jhelum Valley Road fraught with hinderance to business on account of the road being blocked?

(c) Will Government please state as to whether the recommendations of the Commission will be given effect to this year?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI :
(a) A Commission was formed to go into the question of Motor Taxation in general including road-toll.

(b) The recommendations of the Committee cannot be laid on the table of the House at this stage as they are still under consideration of Government. The Government do not consider it advisable to charge less road-toll on Banihal Cart Road.

(e) Yes. There is every likelihood.

SHEIKH MOHAMMED AMIN : Should we hope that this will be given effect to this year.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : Certainly.

THE HON'BLE MR. WAJAHAT HUSSAIN : In a day or so.

SHEIKH MOHAMMED AMIN : Thanks.

547. SHEIKH MOHAMMED AMIN : Is it a fact that the fine of two annas per rupee for late payment of electric charges have been remitted in the case of Government Departments?

(b) If the answer be in the affirmative, will Hon'ble Home Minister please state whether he will order the same rule to be applied to all consumers? If not, why?

THE HON'BLE MR. WAJAHAT HUSSAIN : No.

(b) The question does not arise.

SHEIKH MOHAMMED AMIN : Has any circular been issued in any Department for the remission of two annas per rupee?

THE HON'BLE MR. WAJAHAT HUSSAIN : It is realized even from the Departments of the Government.

548. SHEIKH MOHAMMED AMIN : Is it a fact that Mr. Ghulam Mustafa, M. Sc., went to England for foreign training on the assurance that on his return he would get some suitable post but on his return he did not get such job?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : One Mr. Ghulam Murtaza, M. Sc., and not Ghulam Mustafa, M. Sc. was sent for training to England in Electrical Engineering but no assurance of the kind mentioned by the member was given to him. The question of his appointment is, however, receiving consideration.

549. LALA HANS RAJ (Jammu Wazarat : Hindu) :
(a) Will the Government please state the name of the contractor appointed for the supply of summer uniforms for Chowkidars of Kashmir Province and the Khaki drill cloth standardized for the year 1991-92.

(b) Is the Government aware of what certain local newspapers have published about the dealing of the contractor regarding the contract for 1991-92? If so, what action has been taken?

(c) Is it also a fact that the local Sole agent for the drill complained in writing that the contractor appointed for the supply of summer uniform for Kashmir Province Chowkidars in 1991-92 did not purchase the entire requirements of the drill cloth from him? If so, did the Government investigate the complaint? If the reply be in the affirmative, will the Government please state the total quantity of the drill cloth purchased by the contractor, the total number of uniforms supplied and the total value thereof? If the reply be in the negative, will the Government please state reasons for not investigating the complaint so as to ascertain whether an inferior substitute was not used to defraud the Government? If it has not been done and if there are no reasons for with-holding investigation, will the Government please appoint a Committee to investigate the complaint?

(d) Is it a fact that Lala Narinjan Dass Nanda, the Superintendent of the Development Secretariat is a nephew of the above contractor? Is it also a fact that Lala Narinjan Das Nanda supplies the contractor with information from official record which the latter uses for Assembly questions?

(e) Is it a fact that the above contractor was once a sales agent for Kashmir raw silk and the contractor questioned in

the Assembly the conduct of Mr. H. K. Lal, the former Director of Sericulture simply because the latter had in the Government interest taken away the Agency for very unsatisfactory work of the contractor?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : (a) Messrs S. N. Nanda & Co. were the contractors for the supply of uniform to Revenue Chowkidars of the Kashmir Province during 1991-92. Khaki Drill No. B-22-C-500 was standardized for all the Drill Uniforms.

(b) No.

(c) Messrs Baij Nath Sharma and Amarnath Kohli stockists of the Buckingham and Carnatic Mills Ltd. Madras complained to this effect on 6th September 1935. This application, although it was not stamped, was forwarded in original to the Deputy Director of Industries on 7th September 1935 with the remark that he should report if he had received any complaint that the supplies made by the contractors during 1991-92 (16th October 1934 to 15th October 1935) were not according to the sanctioned standard. The Deputy Director of Industries' report was received on 25th July 1936 and as not concrete cases of complaints against the contractors were reported by the Deputy Director of Industries, further report was called for by R. B. Pandit Anant Ram, late Revenue Minister on 31st July 1936. From the subsequent report which was received from the Deputy Director of Industries on 13th March 1937 it was found that there was no definite complaint on which any action could be taken by Government against the contractors.

The information regarding the total quantity of the Drill cloth purchased by the contractor cannot be given as it is beyond the terms of the contract which has already terminated. The total number of uniforms was 1,188 and their total cost was Rs. 12,119-3-10. The last part of the question does not arise.

(a) The answer is in the negative.

(e) 1st part.—Yes.

2nd part.—I cannot presume to explain the motives of the contractor in making the charge.

LALA HANS RAJ : What relation have they got with each other?

COLONEL BALDEV SINGH PATHANIA : Whose relation?

LALA HANS RAJ : Nanda's and his brother?

COLONEL BALDEV SINGH PATHANIA : They bear the same name but have got no relation.

THE HON'BLE MR. K. N. KNOX : I have heard that there is no relation at all. The name is one.

LALA SHIV NATH NANDA : It is no crime to be a relative.
(Laughter)

550. LALA HANS RAJ: Is it a fact that in Jammu Municipality if a post of Sanitary Jamadar falls vacant, it is given to one who is not a sweeper and whether those who are not sweepers can better know the method of scavenging? If answer to the part first be in the affirmative and the second part in the negative, will Government in future reserve this post of the Jamadar for the sweepers only? If not, why?

(b) Have sweepers also received education? If so, why should they not be given chances for the sanitary posts etc. pertaining to scavenging?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: (a) Ability to scavenge is not required of a Jamadar. Do not arise.

(b) Chances are given according to merit and there is nothing to debar sweepers from rising to Jamadar's posts provided they are fit for them.

LALA HANS RAJ: How is it found that a man is fit for this?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI: A man possessing the qualifications required for Jamadar's post will be appointed.

551. LALA HANS RAJ: (a) Can Government say as to what extent were the zamindars in debt prior to the establishment of the Co-operative Department and whether they have now been relieved of this debt? If not, what are the reasons therefor?

(b) Are the cattle of zamindars being attached towards the satisfaction of the decrees of the Co-operative Department in spite of the fact that such bullocks can in no case under law be attached? But such action has come to light in Tehsil Akhnoor in cases Sunder Singh Manhas of Pargwal, Dhomon Manhas of Phahwari, Triloko Manhas etc.

(c) Are time-barred decrees of the Co-operative Department executed against law as has been done in the case of Wakeel Singh Chib of Tehsil Bhimber and Mani Ram Brahman of Sarwal, Tehsil Akhnoor?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI (Finance Minister): Unless the questioner means members of Co-operative Societies by the term "zamindars" even an approximately correct answer to the question will necessitate an extensive enquiry from each individual zamindar, which does not seem to be a practical proposition. The number of members of societies being not less than 80,000 the labour and time involved in an enquiry from each member will scarcely be worth the result. Members of societies have during the last ten years paid up their debts to the extent of 1,03,346 by borrowing from societies.

(b) Section 21 (a) of the Co-operative Societies Regulation provides that any debt or outstanding demand owing to a society by any member or past member shall be the first charge upon any

cattle etc. supplied to or purchased by such member in whole or in part from any loan whether in cash or in kind given to him by the society. Awards are executed by Civil Courts and Courts only have to see if any cattle attached according to their orders are to be released from attachment. The Co-operative Department has nothing to do with this.

(c) No Civil Court can execute any time-barred decree and if it has been done in any case, the grieved party can appeal. Information is being collected regarding cases referred to.

NOTE.—Lala Hans Raj stood up to speak something but the Hon'ble President interrupted him saying—

Please hear the answer first.

LALA HANS RAJ: Sir, I submit that I have not got such a copy with me. That one here bears the name of Choudhri Abdullah.

KHAWAJA ABDUL RAHIM BANDE: Your name has changed to Choudhri Abdullah Khan.

552. LALA HANS RAJ: Is it a fact that the roads in the rural areas of Illaqa Bajwala and Anderwara, Tehsils Akhnoor and Jammu in spite of the fact that there had been a regular Settlement, are for the last forty years in a wretched condition and impassable although Road Cess is charged along with the land-revenue? If the answer be in the affirmative, when will Government remove the complaint of the people?

COLONEL BALDEV SINGH PATHANIA: A comparison on the present and past means of communication will show that in places where a pony could go with difficulty Tonga and Motor Lorries are running to-day. Some of these roads and communications have been made by the Road Cess Department while others have been constructed by the Public Works Department. The Government are doing their best to further improve these means of communication. Every part of the country is receiving attention with due regard to the urgency of the works, and funds available; Akhnoor Tehsil has not been ignored in this respect.

553. LALA HANS RAJ: Are Government aware as to how the public are handicapped in getting justice at the hands of inexperienced persons appointed as First and Second Class Magistrates?

If it is a fact then, for future no newly appointed person should be given powers higher than those of a Third Class Magistrate in the first instance?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Judicial Minister): Inexperienced persons are not appointed as Magistrates of the 1st and 2nd Class in the Judicial Department. If any example of any particular officer is cited by the member asking the question, the Judicial Minister will look into the matter and the magisterial powers of the officer will be reduced.

554. CHOUDHRI ABDULLAH KHAN (Jammu Wazarat : Muslim) : Is it a fact that proprietorship of the Khalsa areas having been granted to the occupants under His Highness' commands, waste lands have not been entered as Shamilat belonging to such proprietors ? If the answer be in the affirmative, the reasons may please be stated ? It may also please be stated as to what benefit the Government has in view by keeping such areas apart from the holdings of such proprietors ?

COLONEL BALDEV SINGH PATHANIA : No Khalsa areas have been granted in Shamilat upto the sanctioned limit.

In this connection the Praja Sabha Sad is referred to reply given to Q. D. No. 171 in the current session.

555. CHOUDHRI ABDULLAH KHAN : Will Government please state whether that, on the north of Samba Road, Chak Nanak, Nandni, Wadheri, Pakhal, Chak Ghor Singh and on the south of Harmendhar, a large area has been washed away and lost by the floods in Nullah Basantar ?

If the answer be in the affirmative, will Government please devise such means whereby the lands of the poor zamindars may be protected against such calamities ?

COLONEL BALDEV SINGH PATHANIA : *1st part.* — Yes.

2nd part. — The matter is receiving attention.

556. CHOUDHRI ABDULLAH KHAN : (a) Is it a fact that in the village schools, no care is taken to see whether the building of the school is good or bad and that usually houses which are in bad condition and which have insufficient accommodation are used for the purpose ?

(b) Is it also a fact that out of the responsible officers, no one cares to go to village schools particularly to primary schools to see the good or bad condition of the schools ?

(c) If the answer to (a) and (b) be in the affirmative, are Government prepared to remove such defect which is prejudicial to the health and the education of the zamindar class in particular ?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) No.

(b) No.

(c) This question does not arise.

CHOUDHRI ABDULLAH KHAN : Will the Government please state who out of the responsible officials go on tour for inspection of the primary schools in rural areas ?

THE HON'BLE MR. WAJAHAT HUSSAIN : It is difficult to prepare a list at this time.

557. CHOUDHRI ABDULLAH KHAN : Is it a fact that the pays of the teachers in the Education Department are very low and that in every session of the Praja Sabha attention of the Government has been invited to this fact in reply to which the Government has on many occasions given assurance that the matter was

under consideration and that it would be settled very soon ? But upto now nothing has been done.

Will Government give reasons for this ?

THE HON'BLE MR. WAJAHAT HUSSAIN : The matter is under consideration of the Government.

CHOU DHRI ABDULLAH KHAN : How long will this remain under consideration ?

(No reply was given)

558. CHOU DHRI ABDULLAH KHAN : Is it a fact that immeasurable loss has occurred in the villages for instance Chak Khushal Singh, Mandak, Koolpur, Bahoolpur, Ratanpur, Rajavati, Khajyal Kalan, Khajyal Khurd, Khanpur, Baroota, Parthial, Javal, Balhad, Kamoor, Rangoor and Nanga on account of the floods in Nallah Devak and Basantar so much so that a very small area has been left in these villages with the zamindars and in certain villages only one-fourth or one-fifth part of the land has been left with the zamindars regarding which the zamindars of the Illaqa had submitted many applications but the Government have not taken any steps in this behalf so far ?

If the answer be in the affirmative, will Government please make early arrangements to protect the poor zamindars against such loss and if the answer be in the negative, reasons therefor may please be stated ?

COLONEL BALDEV SINGH PATHANIA (Governor Jammu) : Some of the villages mentioned by the Praja Sabha Sad have no doubt suffered from the floods in Nullahs Devak and Basantar, but in the case of others, the amount of area reclaimed by alluvion is quite appreciable as would appear from the enclosed statement of cultivated area recorded in the last Settlement and that entered in the current Jamabandi. All these villages are liable to alluvion and diluvion and each case is dealt with according to the rules on its merits. No zamindars except those of village Parthial have made any application for grant of land or any other kind of help from the Government during the last two years. The application of the zamindars of Parthial is receiving due consideration.

2nd part. Does not arise.

Statement showing the villages where alluvion and diluvion have occurred.

Serial No.	Name of village.	Cultivated area recorded in the last Settlement.		Cultivated area recorded in the current Jamabandi.	
		Ks.	Ms.	Ks.	Ms.
1	Nanga				
2	Bulehr	4,406	2	5,846	2
		771	2	584	12

Serial No.	Name of village.		Cultivated area recorded in the last Settlement.		Cultivated area recorded in the current Jamabandi.	
			Ks.	Ms.	Ks.	Ms.
3	Khanpur	...	4,530	0	3,901	0
4	Barota	...	1,652	0	1,563	0
5	Chak Phartial	...	1,227	0	672	0
6	Pharthial Slehrian	...	7	0	.....
7	Khajial Khurd	...	759	0	508	0
8	Bajawati	...	817	0	1,052	0
9	Khajial Kalan	...	596	0	717	0
10	Mandhak	...	1,502	0	2,497	0
11	Rattanpur	...	1,215	0	966	0
12	Bhoolpur (Chak Bagh-bana)	...	1,160	0	1,844	0
13	Kamore	...	1,988	0	1,812	0
14	Angore	...	1,295	0	1,216	0
15	Chajwal	...	1,903	0	2,680	0
16	Bipral	...	No alluvion and diluvion.			
17	Chak Ramchand (Chak Khushal Singh)	...	855	0	605	0
18	Kaulpur	...	*874	0	*874	0

*No alluvion or diluvion.

559. MIAN AHMED YAR (Muzaffarabad : Muslim) : Will Government please state as to what amount of T. A. Bills of the Gazetted and the non-gazetted officers remained unpaid in the year 1991-92 and why ?

And will Government stop the discriminating treatment by declaring the preaudit of the bills of the non-gazetted officers of the Departments to be non-imperative as is already the case with the Forest Department ? If not, why ?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : This information cannot be rendered available from the Treasury or the Accountant General's office and will have to be collected separately for all departments and establishments. The time and labour involved in the enquiry will scarcely be justified by the results. If, however, the Praja Sabha Sad can quote any specific instance of delay in payment the Finance Minister will be glad to enquire.

(2) The T. A. Bills of both Gazetted and non-gazetted staff are subject to pre-audit and no discrimination is made. The reasons on which a different practice followed in the case of the employees of the Forest Department is based do not exist in

the case of other Departments and a general relaxation of the rules is not called for.

MIAN AHMED YAR : What are the reasons for meeting out a preferential treatment to the Forest Department ?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : You will be informed after making an enquiry from the Forest Department.

560. MIAN AHMED YAR : Will Government please state:—(a) What is the total population of Sheikh community in Poonch ?

(b) How much agricultural land assessed to what amount of land-revenue is in the possession of the Sheikh community ?

(c) What percentage of the people of this community depend on agriculture for their livelihood ?

(d) If a majority of the Sheikh community depends on agriculture for their livelihood, why an explanation be not called from the officer of Illaqa Poonch who declared this community as non-agriculturists ?

WAZIR FEROZ CHAND (Wazir Poonch) : (a) The population of Sheikhs in Poonch is 11,602 souls.

(b) Total area of land held by Sheikhs is 5,101 acres of which 2,472 is cultivated and the amount of land-revenue paid is Rs. 5,649.

(c) The percentage that lives on agriculture is not known. It may however be stated that they do not live on agriculture alone but also resort to non-agricultural pursuits including trade.

(d) In view of the above, the question does not arise. Moreover the Sheikhs of Poonch have not been declared to be non-agriculturists.

MIAN AHMED YAR : Has an attempt been made to find out the exact number or has the information been collected from the Revenue Record.

WAZIR FEROZ CHAND : It has been found from the Revenue Record. It was his work to prove this by submitting an application. To make separate enquiries was a hard task to do.

MIAN AHMED YAR : I want to enquire whether the reply was given after consulting the Revenue Record.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : As stated the answer was given according to the Revenue Record.

SHEIKH ABDUL HAMID : In reply to this it has been stated that the Sheikh community of Poonch has not been declared as non-agriculturists. Shall this be considered that they are agriculturists ?

THE HON'BLE MR. K. N. KNOX : There are different classes of agriculturist ; hence classes overlap.

561. MIAN AHMED YAR : Will the Hon'ble Revenue Minister please state as to :—(1) Whether the amount of grazing

fee which has been and is being realized from the people of certain villages in Muzaffarabad District, in spite of there being no pasture lands in these villages, will be refunded to them and (2) whether orders will be issued for not realizing grazing fees from such villages in near future?

(3) Have any orders, for supervising these villages and submitting a report been issued to any officer?

If any such orders were issued when and within what period was he required to submit his report and what became of these orders?

(4) If this matter was already brought to the notice of the Hon'ble Revenue Minister, what action was taken on it?

COLONEL BALDEV SINGH PATHANIA : (1) and (2) The matter is under enquiry. Suitable action will be taken on its completion. Pending decision orders cannot be anticipated.

(3) *1st part.*—Yes, to Wazir Wazarat Muzaffarabad.

2nd part.—On 9th November 1936 and also on 6th February 1937. Within a fortnight of receipt by the Wazir Wazarat of the orders dated 6th February 1937.

Owing to rough weather and bye-election of Praja Sabha, the Wazir Wazarat could not carry out local inspections, pending which the report was held up.

(4) Reply to 2nd part (3) disposes of this part of the question also.

562. MIAN AHMED YAR : Will the Hon'ble Finance Minister issue instructions to the Customs House Domel to the effect that they should not by the wrong interpretation of the order concerned, levy road-toll on rice imported to Muzaffarabad from Srinagar or Kashmir?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : There is no wrong interpretation of the order. The question is under consideration with the Government.

563. LALA HANS RAJ : (a) Is Government aware that in these days of general unemployment many Thugs and Gundas go about begging in the guise of Sadhus and Faqirs and they hold no scruples to theiving either?

(b) If the answer be in the affirmative, will Government take any effective steps to put a stop to such beggars—a nuisance?

LALA HAVELI RAM (General Secretary) : (a) No case of thefts or burglaries by Sadhus or Faqirs have so far been reported during this year.

(b) The question does not arise.

564. LALA HANS RAJ : (a) Is it a fact that during the last two years it was brought to the notice of the Government that some Gundas carry cows from the State and sell them to the butchers in the British territory although legally such a practice is

forbidden in the State?

(b) If the answer is in the affirmative, what measures have Government adopted to check the same? Besides, is the Government prepared to inflict on them exemplary punishment so that they may never repeat the offence?

LALA HAVELI RAM: (a) Yes. Some cases of export of cows to British territory have come to notice.

(b) Prosecutions have been launched against the culprits. The courts will no doubt exercise a proper discretion in the infliction of sentences.

565. LALA HANS RAJ: Does the Government know as to (a) how many such State-subject certificates as had been issued on inadequate grounds were cancelled?

(b) Has the Government taken any action against the persons who had issued such State-subject certificates on inadequate grounds? If not, why?

(c) Is the Government prepared to take any action now?

LALA HAVELI RAM: (a) The names of persons whose State-subject certificates have been cancelled have been appearing in the Government Gazette from time to time. The exact number of certificate cancelled is not immediately available.

(b) No, as there was no reason to doubt the bonafides of the officers who issued such certificates in the past.

(c) No.

LALA HANS RAJ: Did they do so deliberately or in bonafide spirit?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): The reply has been given to you.

566. WAZIR GANGA RAM: Did Government appoint any Commission for revising the grades of pays of the Government servants? If the reply be in the affirmative, will Government please place the report of this Commission before this House?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister): (a) Yes.

(b) Not now.

WAZIR GANGA RAM: Are Government aware that the Glancy Commission recommendations are detrimental to the interests of the Hindus and are Government prepared to appoint a Commission for safeguarding the interests of the Hindus? If not, why not?

LALA HAVELI RAM: No. The Commission has safeguarded the interests of every community.

NOTE.—After the replies to questions were over, the Hon'ble President invited the attention of the House to the Adjournment Motion of Mian Ahmed Yar.

MIAN AHMED YAR: Sir, as we do not feel the necessity of moving at this time the adjournment motion submitted by us, we

request therefore that it may be postponed to some other day.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): All right.

LEGISLATIVE BUSINESS.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Sardar Thakur Kartar Singh Ji will introduce the Co-operative Societies Regulation Amendment Bill

NOTE.—The above bill was published in Government Gazette No. 26, dated 15th April 1937/3rd Baisakh 1994.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji: Sir, there are some misprints in the previous bill, therefore this bill is proposed to be introduced today. I request that it may please be taken into consideration immediately; namely the misprints which have been noticed have now been corrected.

MR. M. A. BEG: Has the bill been published in the Government Gazette?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji: Yes, it has been published.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): The Hon'ble Finance Minister has introduced the Co-operative Societies Regulation Amendment Bill and he desires that the bill may be taken into consideration immediately. Those who are in favour of this may please raise their hands.

NOTE.—Hands were raised and the motion was adopted.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji: Sir, I now move that the bill may be passed. This bill is pending since the last session. Only a few clerical mistakes have been corrected and it is now placed before you in a printed form.

MAJOR GENERAL THAKUR JANAK SINGH Ji: It was the printer's devil.

SARDAR HARI SINGH: With the exception of Section 68 all the remaining provisions have been necessitated by the mistakes of print.

MR. AMAR NATH KAK: This happens to every law. This is a saving clause.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): So this is the opinion of the House that it may be passed.

NOTE.—The motion was passed unanimously.

A BILL FURTHER TO AMEND THE STAMP REGULATION No. XI OF 1977.

NOTE.—The above bill was published in the Government Gazette No. 25 (a), dated 8th April 1937 (27th Chet 1993).

PANDIT RAM NATH SHARMA: Hon'ble President! A draft of Rules regarding a bill further to amend the Jammu and Kashmir Stamp Regulation having been printed under rules, is placed before the House. This bill has only been introduced with the object that necessity of amending certain sections has

been felt. There is an amendment to section 35 and two articles. There were no rules in section 35 for the realization of deficient stamp-fee. Some Courts were realizing it through cash payment and some through stamp papers. Hence in order to bring this procedure on a uniform footing, an amendment in this section was considered necessary.

The stamp-fee which is charged here under article 87 is higher than that charged in British India. An amendment to article 57 has been proposed.

MAJOR GENERAL RAO BAHADUR THAKUR JANAK SINGH Ji : Would you please read this article.

NOTE.—Mr. Sharma read out article 57.

MR. RAM NATH SHARMA : (Continuing) In view of these three objections the bill is going to be introduced. Now I move under section 38 that if any body wants to ask any questions or move any resolutions he may do so.

MIAN AHMED YAR : If the entire Regulation cannot be made available to the House, at least that part of it which is intended to be amended may please be placed before the House, along with the amendment so that the members may ask questions or move resolutions thereon as is the practice in other Parliaments.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It will be kept in view.

No notice has been given of any question or resolution. The bill was introduced under section 38 and now it will be submitted to the Council for sanction.

As there is no more work today, so the House adjourns.

The House adjourned till next day (Thursday), the 22nd April 1937.

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THE
JAMMU AND KASHMIR PRAJA SABHA DEBATES
(Official Report)

VOLUME VI.

PART X

(22nd April 1937)

SIXTH SESSION
OF THE
FIRST J. & K. PRAJA SABHA.



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JAMMU AND KASHMIR PRAJA SABHA.

*Thursday, the 22nd April 1937.
10th Baisakh 1994.*

The Praja Sabha met in the Praja Sabha Chambers Ajaib-ghar, Jammu, at Eleven of the clock, Mr. President (Hon'ble Sir Lal Gopal Mukerji Kt.), in the chair.

QUESTIONS AND ANSWERS.

568. MOULVI MOHAMMED ABDULLA (Shah Hamdan Srinagar City : Muslim) (a) Is it a fact that in the State there are orphans, widows and the disabled persons who have none to support them?

(b) If the reply to (a) be in the affirmative, will the Government set up poor houses at Jammu and Srinagar to maintain and bring up such persons?

LALA HAVELI RAM (General Secretary on behalf of the Hon'ble Prime Minister) : (a) There must be orphans, widows and disabled persons in the State but Government have no information as to whether any, or how many, of them have none to support them.

(b) Does not arise.

MOULVI MOHAMMED ABDULLA : It has been stated in the reply that the Government has no definite information. Will the Government supply information after due enquiry.

LALA HAVELI RAM : Government do not feel any special necessity of supplying such information.

569. MOULVI MOHAMMED ABDULLA : (a) Is it a fact that in the State there are educated unemployed young men who have no direct or indirect means of living and the colleges and schools are making further addition to their number every year.

(b) Will the Government make arrangement for their maintenance until they get employment?

LALA HAVELI RAM : (a) Government have no definite information.

(b) No.

MOULVI MOHAMMED ABDULLA : Sir, you state that the Government do not know it with certainty. What I mean to ask is as to whether there is any number of such unemployed persons.

LALA HAVELI RAM : No precise number of such unemployed is known.

MOULVI MOHAMMED ABDULLA : If the precise number is not known, at least, the probable number of such unemployed may be stated.

No reply was given.

570. MOULVI MOHAMMED ABDULLA : (a) Is it a fact that the Government has made arrangement of police, courts, jails, etc. to prevent crimes and that all these departments are busy in checking crimes?

(b) If the answer to (a) be in the affirmative, is it a fact that crimes are increasing and are not prevented; on the other hand the convicts on being released from prisons become more expert in committing crimes?

(c) If the answer to (b) be wholly or partly in the affirmative, will the Government please state what are the causes of this state of affairs and whether there is any way to check the commission of crimes?

LALA HAVELI RAM : (a) Yes.

(b) No.

(c) The question does not arise.

571. MOULVI MOHAMMED ABDULLA : (a) Is it a fact that the Government officials differ from one another in point of their honesty and good work and the higher officers accordingly grant certificates of good work or make a note on the service book?

(b) If the answer to (a) be in the affirmative, will the Government please state what encouragement the officials receive on this principle?

LALA HAVELI RAM : (a) Yes.

(b) The remarks made in the Service Books or Character Rolls of officials by Heads of Departments are given due consideration at the time of promotion or punishment.

572. MOULVI MOHAMMED ABDULLA : (a) Is it a fact that population is increasing day by day?

(b) Is it a fact that the number of unemployed persons who have completed or have half completed the school or college education, is increasing?

(c) If the answer to (b) be in the affirmative, has the Government paid attention to solve this problem? If so, what?

LALA HAVELI RAM : (a) Yes, it is a fact that population is increasing steadily.

(b) Yes.

(c) The Government have already set up a Commission to enquire into the matter, and its report is awaited.

573. MOULVI MOHAMMED ABDULLA : (a) Is it a fact that amongst the Hindus and Muslims of the State there are many political parties and political leaders; for instance, in Srinagar there is the Muslim Conference and the opponent party?

(b) If the answer to (a) be in the affirmative, is the Government aware that certain leaders of each party are getting undue advantage by using their influence over the local officers and thus injustice is being done?

(c) If the answer to (b) be in the negative, will the Government inquire into the matter by appointing a Commission?

LALA HAVELI RAM : (a) Yes.

(b) No.

(c) No, but if any specific instance is brought to notice the Government will make an enquiry into the matter.

574. SARDAR KANHAYA SINGH (West Kashmir :Sikh Baramulla, Kashmir) : The Hon'ble Home Minister in reply to my question Q. D. No. 754 of the Srinagar (1936) Session, relating to irrigation stated that as the report could not be available at that time, it would be supplied later on. Will Government please state as to whether the irrigation scheme has been completed and will Government take some practical steps for constructing the Chandusa Kuhl (in Baramulla Tehsil) which is to draw its waters from the Ningal Nalla and about which an incomplete report has been made by the Public Works Department, Jhelum Valley Road, so that many villages may be irrigated and thus add to the income and produce of the State? When the Hon'ble Minister, in his speech delivered in the first session of the Praja Sabha, gave a full assurance in this behalf, will Government take practical steps for constructing this Kuhl?

COLONEL BALDEV SINGH PATHANIA (Governor Jammu, on behalf of the Hon'ble Revenue Minister) : A project was prepared, but the cost was estimated at Rs. 7,00,000 ; it would take 20 years to complete, and when fully developed, the return anticipated was 0.009 per cent.

This is too low even for an unproductive irrigation work and it was regretfully decided to drop the project.

575. SARDAR KANHAYA SINGH : What was stated by the Hon'ble Revenue Minister in the (1936) Srinagar Session of the Praja Sabha, in reply to my question Q. D. No. 817, is quite contrary to the question itself. My question is whether Government are prepared to pay attention to the fact that lacs of acres of such waste area are lying useless within the boundaries of the Forest on which neither there are trees and nor have any trees been planted by the Forest Department there?

Are Government prepared to grant through the Forest Department, these waste areas on reasonable terms to the zamindars on the payment of an annual land-revenue where the zamindars may grow potatoes in the summer and thus will add to the income of the Forest Department also?

COLONEL BALDEV SINGH PATHANIA (Governor Jammu) : The only extensive parts of the Demarcated Forests where there are no trees are the high level grazing grounds. The supply of grazing in Kashmir is notoriously deficient and consequently it would be quite unjustifiable to bring these valuable high level grazing areas under cultivation, more especially would this be disastrous if potato cultivation were to be started in these high lands. It has been experienced in the Himalayas that the breaking up of turf on such fine meadows for potato cultivation has been the cause of much erosion and even big land-slips. When the turf is broken up, water gets in behind the turf and causes disastrous consequence. In these circumstances, the Government is not prepared to give up areas in the high level grazing grounds for potato cultivation.

576. LALA RAM LAL (Illaqa Poonch : Hindu) : (a) Is it a fact that the Forest Department, Police and Poonch Hindu member of the Praja Sabha informed Wazir Poonch about the fact that the Khalsa area in Tehsil Haveli Mendhar was being reclaimed as Nautor without any permission?

(b) If the answer to (a) be in the affirmative, it may please be stated as to why on the mere report of the Revenue office that no Khalsa area has been taken possession of as Nautor, these reports were disregarded without making any enquiry in the matter and no action was taken by Poonch Government on these?

(c) If the answer to part (b) be in the affirmative, it may please be stated why were the reports of the Forest and Police Department together with those made by the Hindu member of the Praja Sabha disregarded? The reasons therefor may please be stated in detail. Besides it may also be stated whether Poonch Government is prepared to make enquiries into the same in the presence of the Hindu Member of the Praja Sabha and other officers concerned? If not, the reasons therefor may please be stated in detail? Besides it may also be stated whether Tehsildar Mendhar sent several files of unauthorised Nautor cases to the Revenue Department and did the Chief Revenue Officer Poonch return the same with the remarks whether there was any body to object to these? If it is a fact it may please be stated whether his remark was right.

WAZIR FERROZ CHAND (Wazir Poonch) : (a) Yes.

(b) These reports were not disregarded but on the other hand enquiries were made. The Revenue authorities did not allege that no unauthorized Nautor had been made.

(c) In view of the above part of the question does not arise. Enquiries are being duly made by the competent Revenue authorities and there is no necessity of holding further enquiries or any part of them in the presence of the Praja Sabha Sad or officers of other Departments. Unless the names of the persons concerned in any such Nautor file and other particulars are furnished, it is

difficult to answer the last portion of the question. The Chief Revenue Officer has been taking action in reported cases of unauthorized Nautors according to rules. In some cases fines have been inflicted and in others compensation realized from the persons concerned.

LALA RAM LAL : Through whom have the enquiries been got made?

WAZIR FERAZ CHAND (Wazir Poonch) : The Revenue Officers made the enquires and the unauthorised reclaimers were punished.

LALA RAM LAL : I want to know why were the enquiries made through the Revenue Officers when the complaints were against the Revenue Officers themselves. With a view to connive at the lapses of their department they could not do justice to the facts of the case.

THE HON'BLE MR. K. N. KNOX (Revenue Minister) : Sir, I do not quite understand what he means. But in the question I do not see that Chief Revenue Officer was blamed, and therefore should not make enquiry.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : He means to say that the charges were against these officers, and therefore an independent enquiry should have been made. I cannot find that in the question.

THE HON'BLE MR. K. N. KNOX (Revenue Minister) : I know nothing about it, sir.

LALA RAM LAL : In answer to the last part of (c) of this question, it was said that unless the names of the persons reclaiming land against rules and other particulars regarding them are furnished, it is difficult to reply to the question. I would submit that I had supplied the required particulars stating the names of the particular villages where lands were reclaimed against rules. Is it still difficult to answer the question inspite of these details having been furnished.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It is said, the information was not sufficient.

577. LALA RAM LAL : (a) Is it a fact that a memorial was presented to Sri Raja Sahib Bahadur on behalf of the Hindu and Muslim Societies of Poonch wherein besides other things request was made for the repeal of Land Alienation Regulation and for the enforcement of Section 23 of the Poonch Settlement law?

(b) If the answer to part (a) be in the affirmative, it may please be stated why did the Government disregard the very reasonable demand of the public and why has no action been taken so far?

Is Government prepared to meet the very just demands of the public or not? If not, then reasons therefor may please be stated?

WAZIR FERROZ CHAND (Wazir : Poonch) : (a) Yes, by persons belonging to the Poonch Town only.

(b) Sri Raja Sahib Bahadur enforced Land Alienation Regulation in Poonch Illaqa besides all laws and regulation. The repeal of this Regulation and enforcement of para 23 of Settlement Rules is therefore out of question.

LALA RAM LAL : It has been stated in reply that the people of this Illaqa demanded this. I want to know when was such a demand made by the public?

WAZIR FERROZ CHAND : It was one of the demands put forth by the Muslims two or three years ago.

578. LALA RAM LAL : (a) Is it a fact that formerly Customs post Gutalian (Mirpur) the dutiable goods going into Poonch were examined and that at the instance of the traders the Customs post was removed to Dal Mahmood?

(b) If the answer to (a) be in the affirmative, it may please be stated whether excepting the traders the other travellers have to pay Customs duty at Pattan Gutalian and latter in Poonch?

(c) If the answer to (b) be in the affirmative, are Kashmir Government prepared to examine all dutiable goods belonging to the travellers at Gutalian Pattan?

If not, the reasons therefor may please be stated?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI (Finance Minister) : (a) Yes.

(b) Yes. If they do not import goods by the specified route.

(c) The feasibility of the proposal will be considered.

LALA RAM LAL : When will it be decided?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI (Finance Minister) : It is very difficult to fix the exact date. As already stated to your deputation, this matter will be sympathetically considered.

579. LALA RAM LAL : (a) It may please be stated how many Sikhs from the Poonch Sikhs have been appointed to Gazetted posts in Illaqa Poonch?

(b) If the answer to part (a) be in the negative, it may please be stated whether Sardar Amir Singh of Bhan Toni who passed his B. A. examination in 1922 applied to the Poonch Government for being sent to foreign training at State expenses and that no action has been taken on his application uptil now and that now he has passed his LL.B. also?

(c) If the answer to part (b) be in the affirmative, is Poonch Government prepared to send him on State expense for Bar-at-Law and thus encourage the backward Sikh community? If not, the reasons therefor may please be stated?

WAZIR FERROZ CHAND (Wazir Poonch) : (a) Two besides one Tehsildar who is not a State Subject.

(b) and (c) The Praja Sabha Sad is referred to reply to Q. D. No. 635 (b) and (c) of this session.

LALA RAM LAL : I do not have the Q. D. referred to in the answer.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Please read it out.

NOTE.—The Q. D. referred to in the answer was read out by Wazir Feroz Chand

580. LALA RAM LAL : (a) Is it a fact that Khatris of Tehsil Haveli in Illaqa Poonch are third in order of the revenue paying classes and that the main source of livelihood of the Khatris of Tehsil Haveli is agriculture and that they cultivate land themselves?

(b) If the answer to part (a) be in the affirmative, and the answer to the last portion of part (a) be in the negative, will the enquiries made by the Poonch Revenue Officers in this behalf be placed on the table of the House and may be read also? It may also be stated that if the main source of livelihood of the Khatris of Tehsil Haveli be agriculture is Poonch Government prepared to declare them agriculturists or not?

WAZIR FEROZ CHAND (Wazir Poonch) : (a) Their place in order of the amount of Revenue is tenth and not third. Part of the land is entered as Khud Kasht and part as cultivated through tenants. Their main source of livelihood is not agriculture.

(b) 1st part.—The report of the Chief Revenue Officer is confidential and cannot be placed on the table.

2nd part.—No, the Khatris as a Class do not live on agriculture and therefor they cannot be included in the list.

LALA SHIV NATH NANDA (Srinagar City, Hindu other than Kashmiri Pandits) : Have you enquired into the matter, Sir?

LALA RAM LAL : It is said that the enquiry report is confidential.

WAZIR FEROZ CHAND : Yes, it is after due enquiry that we have arrived at this decision.

LALA SHIV NATH NANDA : Was it enquired by a committee or by himself?

WAZIR FEROZ CHAND : It was enquired through officers.

LALA RAM LAL : Have the Khatris also been informed of this enquiry.

WAZIR FEROZ CHAND : The list was published. So they might have come to know themselves.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The reply is no. They were not informed.

COLONEL BALDEV SINGH (Governor Jammu) : They might have been informed.

581. LALA RAM LAL : (a) Is it a fact that the community whose chief source of livelihood is agriculture is declared agriculturist under the Land Alienation Regulation?

(b) If the answer to part (a) be in the affirmative, it may be stated whether it was proved after enquiries by the Poonch Revenue Department that the source of livelihood of the Mahajans of Tehsil Mehnder is agriculture?

(c) If the answer to part (b) be in the negative, the enquiry report may please be placed on the table of the House and read? If the answer to part (b) be in the affirmative, it may then, be stated why are the Mahajans of Tehsil Mehnder declared non-agriculturists? The reasons therefor may be stated in detail and it may also be stated whether the Poonch Government is now prepared to declare them agriculturists or not? If not, why?

WAZIR FEROZ CHAND (Wazir : Poonch) : (a) Yes.

(b) The Mahajans of Tehsil Mendhar do not live on agriculture alone but also on money lending and other trade.

(c) 1st part.—The report of the Chief Revenue Officer on the general question of the list of Agricultural Classes is confidential and cannot therefore be placed on the table.

2nd part.—No. The Mahajans as a Class live mainly on trade and money-lending and not on agriculture and therefore they cannot be included in the list.

After the answer to this question was read.

PANDIT LOK NATH SHARMA : They are starving.

582. LALA RAM LAL : (a) It may please be stated how far are Mandaitar Mehtarani Illaqas Thakiala from Mehnder dispensary?

(b) If the answer to part (a) be that Mandaitar Mehtrani is at a considerable distance from Mehndar dispensary, then is Poonch Government prepared to start dispensary at Mandaitar Mehtrani or not? If not, why?

WAZIR FEROZ CHAND (Wazir : Poonch) : (a) About 23 miles.

(b) Due to financial stringancy the question of opening new Dispensaries cannot be considered at present.

LALA RAM LAL : Is it needed there or not?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :

Beg your pardon.

LALA RAM LAL : I said, is there any necessity or not?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :

That is a matter of opinion.

LALA RAM LAL : I don't seek opinion, if the hospital is needed.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :

That is a matter of opinion.

583. LALA RAM LAL : (a) It may please be stated how much worth of English medicines were sent for by the Poonch Government from the Punjab in 1990, 1991 and how much worth of English medicines have been purchased after 1990-91 upto now?

(b) If the answer to part (a) be that compared with 1990-91

later English medicines worth much less were sent for afterwards the reasons for reduction may please be stated?

(c) If the answer to part (b) be that the purchase of patent medicines was stopped, then it may be stated how worth of patent medicines were purchased? In case there has been greater reduction by stopping the purchase of patent medicines, the reasons therefor may be stated?

(d) It may also be stated whether it is a fact that on account of the reduction having been made in the grant for the purchase of medicines the patients in the Hospital do not get all the medicines necessary as a result of which poor, because they cannot afford to purchase medicines from the bazar, are deprived of the medical aid? Is Poonch Government prepared to remove this grievance of the public or not? If not, the reasons therefor may please be stated in detail?

WAZIR FEROZ CHAND (Wazir :Poonch) :

(a) In the year 1990-91 Medicines worth Rs. 7,500

In the year 1991-92 „ Rs. 5,400

In the year 1992-93 „ Rs. 6,000

(b) The quantity of the medicines purchased has not decreased. The expenditure incurred on these medicines after 1990-91 is less than that incurred before that year because since then the Indian-made medicines have been purchased instead of foreign medicines which are more costly. The decrease in expenditure was further due to the fact that supply of patent medicines was stopped.

(c) Approximately Rs. 500 were spent on the purchase of patent medicines in the year 1990-91. Patent medicines are not meant to be supplied to Charitable Dispensaries.

(d) No. In view of the above the question does not arise.

584. LALA RAM LAL : (a) Is it a fact that the Poonch Government after 1990-91 upto the present day has been purchasing Quinine worth Rs. 1,000 instead of Rs. 1,500?

(b) If the answer to part (a) be in the affirmative, it may please be stated whether the poor people who cannot afford to purchase Quinine from the bazar are not being harmed and that they cannot avail of the benefits of medical aid? Is Poonch Government prepared to remove this grievance of the public, or not? If not, the reasons therefor may please be stated?

WAZIR FEROZ CHAND (Wazir :Poonch) : (a) Yes.

(b) It is not a fact, Quinine now purchased with Rs. 1,000 is not less in quantity than that purchased with Rs. 1,500 previously as Indian-made Quinine is purchased now which is cheaper in price than foreign Quinine, which used to be purchased previously. There is therefore no grievance on this score and the question of reviving the old grant does not arise.

LALA RAM LAL : Will you redress the grievances if there are

any? It is stated there is no grievance. But I say, if there is any, will it be redressed.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji (Finance Minister) : It is a hypothetical question.

WAZIR FEROZ CHAND : If any grievance is proved, it will be redressed.

585. MIRZA M. A. BEG (Anantnag : Muslim) : (a) What is the total assessed area wherein willows grow in the village of Kamir, Baralapura, Doni Dabu, Tora Dani, Kharapora, Rampur, Rohu and Kayalgam in Tehsil Anantnag and what amount of revenue is charged for the willows there?

(b) Has the revenue been assessed according to the number of willows in these villages? If the answer be in the affirmative, then what is the total revenue on willows and what is the rate of revenue?

(c) Is this Baidzar or the area under willows wholly or partly included within the Kahcharai area also?

(d) If the answer to part (b) be in the affirmative, it may please be stated as to what sum of Kahcharai tax is realized for this?

(e) Will the Hon'ble Revenue Minister please state on what principle two taxes are realized for the same area.

(f) Will the Hon'ble Revenue Minister be pleased to take an action to abolish one of the two taxes?

COLONEL BALDEV SINGH PATHANIA (Governor : Jammu) : (a) 1st part.—The areas in the villages mentioned by the Praja Sabha Sad, whereon willows grow, are not assessed to land-revenue.

2nd part.—Rs. 572-4-0.

(b) 1st part.—Yes.

2nd part.—The total revenue on willows is Rs. 572-4-0. The bachh rate for trees varies in different villages according to the benefit derived by the villagers. It ranges from four pies to 10 pies per tree.

(c) The question is not understood. The grazing tax is assessed on animals and not on areas.

(d) The total Kahcharai demand in all the villages in question amounts to Rs. 486-3-0, but as stated under (c) this is not assessed on an area.

(e) They are not.

(f) Does not arise.

MIRZA MOHAMMED AFZAL BEG : In answer to the part (c) of the question it was stated that the question is not intelligible. What I mean is whether the grazing grounds are included in the Baidzar areas, and whether Kahcharai fee as well as Baidzar tax is realised for the same area?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : That has been replied. The tax is not realised according to the

area, but according to the grazing.

MIRZA MOHAMMED AFZAL BEG : In case it is included in the grazing area, is the Baidzar tax realised in addition to Kahcharai fee.

COLONEL BALDEV SINGH PATHANIA (Governor : Jammu) : I do not follow it, Sir.

MR. M. A. BEG : My question is like this : (Repeats his question).

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Let me understand it. Do you mean that the willow trees standing in the Kahcharai land.

MR. M. A. BEG : Yes, Sir.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : In one sense it is true, in the other sense it is not.

MR. M. A. BEG : Is the land-revenue also charged on this area?

COLONEL BALDEV SINGH PATHANIA (Governor : Jammu) : I really cannot say, it is not "cultivated area" in question.

586. MR. M. A. BEG : (a) What amount of Income Tax and from how many person was realized in the year 1992-93 in Anantnag Tehsil?

(b) How many of these tax payers have filed appeals against the original assessment?

(c) How many appeals were heard and what was the result thereof?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI (Finance Minister) : (a) 180 cases of Anantnag District resulted in demand. Tax imposed amounted to Rs. 7,872/15/-.

(b) 74 cases pertaining to the Anantnag District came up in appeal.

(c) 56 appeals were heard, 27 accepted 15 rejected, 14 remanded, 18 appeals are pending.

587. CHOUDHARI ABDULLA KHAN (Jammu Wazarat, Muslim) : Usually it has been observed that the condition of the local roads under the control of the Revenue Department which link of different towns, is very bad and troublesome on account of which the travellers have to face great inconvenience? Are Government prepared to take steps to relieve the trouble of the travellers at an early date? If not, why?

COLONEL BALDEV SINGH PATHANIA (Governor : Jammu) : 1st part.—No. This is not so. Such District Roads are maintained by the Revenue Department as well as the funds permit.

2nd part.—Does not arise.

588. MIRZA MOHAMMED AFZAL BEG : (a) How much compensation has been awarded to the zamindars whose lands were acquired for the camping ground at Pahlgam?

(b) Has the land-revenue realized from the zamindars after the acquisition of their lands, been refunded to them as promised? If not, why?

COLONEL BALDEV SINGH PATHANIA (Governor : Jammu) : (a) Rs. 5,952.

(b) This will be done as soon as sanction of the competent authority is received by the Tehsildar. Papers have been completed and sent for sanction by the Governor of Kashmir. The Revenue Minister will see that necessary sanction is communicated in the matter very shortly.

MR. M. A. BEG : Is the Hon'ble Revenue Minister aware of the fact that the question and other questions concerning the matter have been asked since the very beginning of the Praja Sabha?

COLONEL BALDEV SINGH PATHANIA (Governor : Jammu) : I have not studied Sir, I will hurry up in seeing it.

589. PANDIT GOBIND RAM KABU (Kashmir : Hindu) : Will the Government please state whether it is a fact :—

(a) That a terrible fire broke out in Baramulla on 1st Poh 1992?

(b) That a large number of houses and shops was entirely destroyed and many people were rendered homeless?

(c) That applications were made by the sufferers for free grants of trees?

(d) Whether any trees have been granted to the applicants? If not, why?

COLONEL BALDEV SINGH PATHANIA (Governor : Jammu) : (a) Yes.

(b) Yes.

(c) Yes.

(d) Towns-people are not, ordinarily, entitled to any concession under rules, but in cases of extreme destitution, timber at half rates can be granted. The Wazir Wazarat Baramulla reports that the matter regarding grant of free trees is under correspondence.

590. PANDIT GOBIND RAM KABU : (a) Will the Government please state the names of permanent employees of the Dredging Department at the time when it was brought under reduction?

(b) Has any pension been given to any of these employees, if so, to whom?

(c) If pension has not been given to all, what are the reasons?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : (a) None of the employees was permanent at the time the Dredging Department was brought under reduction.

(b) Four Operators were declared permanent and pension allowed to them.

(c) The staff was temporary. Cases are being examined to find out whether pension is admissible under the rules to any

one of them.

591. PANDIT JIA LAL KILAM (Srinagar City, South :Hindu)
Will the Government be pleased to state :—

(a) If an agitation was started against Mr. Bindra Ban Judge by a section of the Muslims after he had delivered judgment in the Mattan Riot Case?

(b) Was he transferred from Srinagar when the agitation was in full swing against him? What were the reasons of his transfer?

LALA HAVELI RAM (General Secretary on behalf of the Hon'ble Prime Minister) : (a) Yes.

(b) Yes.

(c) He was transferred in the interest of administration.

PANDIT JIA LAL KILAM : One question please. Are we to understand that the transfer of Lala Bindraban Judge was the result of the agitation.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER (Prime Minister) : The transfer had nothing to do with the agitation. The transfer was a special one.

592. PANDIT JIA LAL KILAM : Will the Government be pleased to state :—

(a) Does the Government know that speeches were made against Judge Bindraban and posters were issued against him in which motives were ascribed to him for delivering the judgment against which agitation was started by a section of Muslims?

(b) Is this also a fact that in a printed poster he was called begoted?

(c) What action was taken by the Government to stop all such illegal activities?

Did not these activities amount to contempt of Court?

LALA HAVELI RAM (General Secretary on behalf of the Hon'ble Prime Minister) : (a) Yes.

(b) Yes.

(c) One of the speakers was called upon to furnish security under section 108 Criminal Procedure Code.

2nd part.—The speeches delivered after the trial of the case and made outside the court did not amount to "Contempt of Court" as defined in the Ranbir Penal Code.

PANDIT JIA LAL KILAM : I want to put a question. Is this the opinion of the executive or the law officers?

MR. PRÉSIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You cannot make that enquiry.

(Laughter)

PANDIT JIA LAL KILAM : If I was a Judge and a begoted Judge, is it not the contempt of the Court?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :
You cannot ask that.

LALA RAM LAL : Why action was taken against one man.
Was it not taken against the others?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :
That question does not arise.

593. PANDIT JIA LAL KILAM : Will the Government be
pleased to state :—

(a) Does the Government know that a mock funeral procession was taken out at Srinagar by a section of the Muslims against Judge Bindraban?

(b) Does the Government know that this mock funeral procession was carried out in a manner in which fun was made and insult offered to Hindu religion?

Why was this procession allowed to be taken out by the local authorities?

Has this procession caused great deal of resentment amongst Hindus of Srinagar?

How many telegrams were sent by them?

What action was taken on these telegrams?

What action does the Government contemplate to take against the local authorities for allowing such a procession to have allowed to be carried out?

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER (Prime Minister) : This question was not clear to me. I shall answer it on the next day.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :
When? Do you mean on Saturday?

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER (Prime Minister) : Yes Sir, on Saturday.

594. PANDIT RAM CHANDRA DOBEY (Kathua : Hindu) : On behalf of the Government a statement of the work done by the Retrenchment Committee of 1932 was placed before the House in the last session, in reply to my question O. D. No 466, but information regarding work done in respect of each department was not given in detail. Will the Government please place before the House the detail of work done by this Committee so far and intimate whether the Government intends to publish the report of the Committee as soon as it completes its work?

LALA HAVELL RAM (General Secretary on behalf of the Hon'ble Prime Minister) : The Committee completed its work and submitted a report in 1932. The report cannot be published as it is confidential.

PANDIT RAM CHANDRA DOBEY : When was this Committee appointed?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) : In 1932.

PANDIT RAM CHANDRA DOBEY : That is to say that this Committee was appointed in 1932 and it also submitted its report in 1932. Can this report be placed before the House?

LALA HAVELI RAM : It is confidential.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It is confidential.

595. PANDIT RAM CHANDRA DOBEY : (a) Is the public Service Efficiency Commission which was appointed in 1930, still functioning?

(b) The names of the present members of this Commission may be intimated for the information of the House. How long are the Government going to keep its proceedings confidential?

(c) If the Commission has completed its work, will the Government please place before the House the result of the work done by it?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) : (a) Yes.

(b) The Commission consists of the Hon'ble Judicial Minister and the Hon'ble Minister-in-Wating. The Minister-in-Charge of a Department is also co-opted when cases pertaining to that department are considered by the Commission.

(c) The proceedings being confidential cannot be made public.

MIRZA MOHAMMED AFZAL BEG : Point of order, Sir. Can a Minister before answering the part of question say that it is confidential.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Certainly.

MIRZA MOHAMMED AFZAL BEG : It has not been put in any rule.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It is not necessary to do so.

PANDIT RAM CHANDRA DOBEY : This Committee has been working for seven years since 1930, and up to this time the proceedings which had been kept confidential have not been placed before the House.

LALA HAVELI RAM : It has been said that it is confidential.

PANDIT RAM CHANDRA DOBEY : How long will it continue to be confidential?

LALA HAVELI RAM : A thing which is confidential, is confidential for ever.

PANDIT LOK NATH SHARMA : No.

596. PANDIT RAM CHANDRA DOBEY : Will the Government please place before the House the details of the work done by the Salary Commission?

LALA HAVELI HAM (On behalf of the Hon'ble Prime Minister) : The recommendations of the Commission cannot be made public at this stage as no final orders have been passed on them.

PANDIT RAM CHANDRA DOBEY : If it was so ordered how much time will it still take to do so?

LALA HAVELI RAM : It will take some time.

597. PANDIT RAM CHANDRA DOBEY : Regarding the well in village Danoh, Tehsil Jasmergarh, the Government stated in reply to my question Q. D. No. 481 of the last session that the well was under construction. Will the Government please state when the construction of the well will be completed and what expenditure will it entail?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : The well at Danoh is under construction. The work will be completed this year.

598. PANDIT RAM CHANDRA DOBEY : (a) In reply to my question Q. D. No. 482 of the last session it was stated on behalf of the Government that so far as possible, Patwaris and Forest Guards would be appointed from among the local inhabitants.

(b) Will the Government please state what is the total number of Patwaris and Forest Guards in each Tehsil of Kathua District.

(c) How many among these are local inhabitants and what increase of local inhabitants on these posts has taken place during the last two years?

COLONEL BALDEV SINGH PATHANIA : (a) The total number of Patwaris and Forest Guards in each Tehsil of Kathua District is detailed below :—

		Patwaris.	Forest Guards.
Tehsil Kathua	...	28	6
" Basohli	...	33	23
" Jasmergarh	...	28	6

(b) There are 68 local Patwaris and 17 local Forest Guards.

(c) During the last two years there has been an increase of six local Patwaris in Tehsil Kathua and three in Tehsil Basohli. No permanent vacancy in the scale of Forest Guards occurred in these Tehsils during the last 2 years.

599. PANDIT RAM CHANDRA DOBEY : Will the Government please state as to what amount of Sanitation Cess has been realized from all the three Tehsils of Kathua District and what sum out of it has been spent in this District?

If nothing has been spent for the benefit of the District, what are the reasons for it?

COLONEL BALDEV SINGH PATHANIA (Governor Jammu) : The Praja Sabha Sad is referred to the reply to Q. D. No. 62 of this session which will show that a sum of Rs. 6,385 has been realised from the Kathua District during 1992-93 and a sum of Rs. 5,550

has been spent on repairs and construction of old and new tanks and wells in that District during the same year.

PANDIT RAM CHANDRA DOBEY : Has this sum of Rs. 5,550 been spent out of the Sanitation Cess?

THE HON'BLE K. N. KNOX (Revenue Minister) : I cannot answer it at present, Sir.

600. PANDIT RAM CHANDRA DOBEY : Will Government be pleased to state what work has been done by the Travelling Dispensaries in Kathua District since the time of their establishment in the Jammu Province for the prevention of contagious disease? A detailed statement showing the work done in different Illaqa's after October 1935, may kindly be placed before the House?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : Travelling dispensaries outturn will appear from the following statement :—the figures prior to S. 1990 could not be traced :—

Name of Dispensary.	Touring period.	Illaqas toured.	Patients treated,
Travelling and Venereal dispensary.	From Maghar 1990 to Jeth 1991.	Tehsil Basohli.	720
Travelling dispensary.	From Katik 1992 to Phagan 1993.	Tehsil Basohli Kathua.	6,564
Venereal dispensary.	From Har 1993 to Poh 1993.	Tehsil Basohli.	3,270
Zenana travelling dispensary.	1. From Jeth to Har 1990.	Tehsil Hiranagar Basohli Kathua.	12
	2. From Assuj to Maghar 1993.	Tehsil Basohli and Kathua (excluding Maghar figures.	79

NOTE — The Hon'ble Home Minister after having read out the above answer said that the list had been supplied to the member who had asked the question, but if he wanted him to read out the list at that time also, he would do so.

PANDIT RAM CHANDRA DOBEY : There is no need of reading out the list.

601. KHAWAJA SAIF-UD-DIN SHAH (Baramulla : Muslim) :
(a) Will the Government please state what is the total area (of land) reclaimed from Woller Lake, Tehsil Srinagar, Baramulla and Handwara?

Since when and under whose possession is this area?

(b) Is such possession lawful or unlawful?

COLONEL BALDEV SINGH PATHANIA (Governor Jammu) : (a) Total area reclaimed from the Woller Lake has not been measured as in accordance with Mr. Harris, the Flood Expert's report this area is to be left as it is. The area therefore remains vacant in winter, when water Level is low. In summer it gets submerged.

(b) Does not arise.

602. KHAWAJA SAIF-UD-DIN SHAH : Will Government please state whether the areas have been given to the Remounts Department for Kahcharai purposes only?

(a) Does the Government know that they got this area cultivated by the cultivators and realize Galla Batai from them?

(b) Did the local officers submit several reports to the higher authorities against this unlawful act?

(c) What action has been taken of those reports upto this time?

(d) Is it a fact that the zamindars are put to a great trouble by this unlawful act of Remount Department? Are Government prepared to take off this area from the unlawful possession of the Remount Department and grant it to the zamindars under new rules so that it may prove great beneficial both to the Government as well as to the zamindars?

COLONEL BALDEV SINGH PATHANIA (Governor Jammu) : The Remounts Department is in possession of certain areas.

(a) Government have no information.

(b) Yes, reports against encroachment were received.

(c) The Remounts Department has been addressed.

(d) 1st part.—Government have no information.

2nd part.—The result of the correspondence with the Remounts Department regarding encroachment is awaited. Formal grant of this area will be guided by the recommendations of the Flood Expert.

603. KHAWAJA SAIF-UD-DIN SHAH : Will Government be pleased to state whether the Electric Department does not allow the people to construct their buildings on the plots at Tangmarg (Kashmir Valley) which were granted to the people on the payment of Nazranas last year and that regarding their buildings which were built before the issuing of the notice, the Electric Department under an order issued notices to the owners of the houses that they should remove these within one week? Does Government consider this act of the department reasonable?

If the answer be in the affirmative, are Government prepared to grant due compensation to them, because these houses have been built in accordance with the orders of the Government?

If the reply to the above question be in the negative, are Government prepared to pay damages to these people who have been prevented by the Electric Department from constructing their houses and whose whole material has been stocked on the spot since a year?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : The fact is that the owners of the plots of land situated on the Transmission line have been directed to the fact that to build houses near the Transmission line is dangerous for them. It is also necessary to state that the Transmission line goes on by this side, from a dead long time but these plots of land have been purchased in last two years.

604. KHAWAJA SAIF-UD-DIN SHAH : Will Government please state how many posts of Forest Guards and Watchers have fallen vacant or how many of them were temporarily filled up during the last one year in J. V. Division Baramulla and Kamraj Division of the Forest Department?

(a) How many applications were submitted by the local persons? Their names, place of residence and qualifications may please be stated?

(b) The names, place of residence and qualifications of the persons appointed here may kindly be stated?

COLONEL BALDEV SINGH PATHANIA (Governor : Jammu) : Six posts of Forest Guards fell vacant in 1992-93 in the Kamraj Division. Six Forest Guards from Keran Division were transferred in accordance with the provisions of the Glancy Commission, because they did not belong to the Muzaffarabad District. Five of them were posted to the Kamraj Division and one to Sindh Division and the Guards from the Sindh Division were transferred to the Kamraj Division.

There were four temporary posts of Fire Watchers for short period. They were filled up by the local men who had been employed on working plan duty.

No advertisements were issued.

In the Jhelum Valley Division there were no permanent vacancies of Forest Guards during the year 1992-93. One Forest Guard was reduced temporarily to the post of a peon and his post was filled temporarily by the promotion of a Mali who had done good nursery work and who was a local man.

The temporary posts of Watchers were given to the same incumbents who held these posts in the previous year and in this Division also no posts were advertised.

(a) and (b) Do not arise.

605. KHAWAJA SAIF-UD-DIN SHAH : (a) Are Government aware of the fact that Abdul Jabbar—resident of Baramulla—Teacher Government Middle School, Baramulla died? Did

Government fill up this post? Will Government please refer to the Government Gazette in which this post was advertised?

(b) How many applications were submitted by the local persons? The detail of these applications may please be supplied and it may also be stated as to what action has been taken on these applications?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) :

(a) Yes. Two men were given promotion and the last post has been advertised in the Government Gazette dated 13th Chet 1993.

(b) The post was advertised on the 13th Chet 1993 and the period of 21 days expired on the 3rd Baisakh 1994. It is not known how many applications have been received and what action was taken on them. It will take some time to consider these application and to make a final selection.

606. KHAWAJA SAIF-UD-DIN SHAH : Will Government please state on what grounds the Hon'ble Revenue Minister did not sanction the realization of Taxes on Motor Lorry Stand in the Town Area Committee at Baramulla while this system has been in vogue for the last three years and when a period of four months has already elapsed?

COLONEL BALDEV SINGH PATHANIA (Governor : Jammu) : The member Praja Sabha is referred to reply given to Q. D. No. 591 of this session.

607. KHAWAJA SAIF-UD-DIN SHAH : For what amount was the contract of the Motor Lorry Stand of the Town Area Committee, Baramulla was auctioned in the years 1993 and 1994?

What was the amount at which the Stand was auctioned later in compliance with the order of the Hon'ble Revenue Minister? Can the Town Area Committee bear such a heavy loss?

Will Government please accord sanction for the enforcement of the previous system?

COLONEL BALDEV SINGH PATHANIA (Governor : Jammu) :
1st part.—The bid offered for Lorry Stand Baramulla was Rs. 7,600 the latest auction results show income of Rs. 660 for 7 months. The Committee will have to bear the loss as the former practice of taxing booking of passengers and goods was unauthorised. The lorry owners have been crying out against imposition of heavy taxes by all Town Area Committee.

2nd part.—The previous system cannot be enforced as it was both irregular and unfair. The Town Areas were taxing through traffic and not merely charging a reasonable rent for accommodation provided.

608. KHAWAJA SAIF-UD-DIN SHAH : Under what section of the Town Area Regulation are the contracts of Town Areas such as those of Dharat, Motor Lorry Stand and the estimates of

other works sent to the Revenue Minister for sanction? The Section under which it is done may please be cited?

COLONEL BALDEV SINGH PATHANIA (Governor : Jammu) : The Revenue Minister is responsible for the general control of Town Areas. Sections 15, 17 and 34 (j) of the Town Area Regulation of 1990 may be referred to.

609. KHAWAJA SAIF-UD-DIN SHAH : Will Government be pleased to state whether the Electric Department had invited tenders for the purchase of 700 cubic feet of Deodar wood and the transportation of 800 feet of the same from Mahora to Srinagar?

(a) Was not 20th February 1927 the last date in the notice for submitting the tenders?

(b) Was there any limitation of time in tender notice besides the last date?

If the answer to part (a) be in the negative, why did the Chief Engineer Electrical Department refuse to accept the tender which was properly submitted by my agent at 1 p. m. on the required date in the presence of other contractors? Is it a fact that the officer concerned cannot refuse to take any tender, even when there is anything objectionable the concerned officer can take the tender and write a note on it that there is a flaw, but instead he cannot refuse to receive a tender? Will the Government please make an enquiry and inform the House of the results?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : Yes.

(a) No.

(b) No.

No tender was refused.

The question does not arise.

610. SARDAR DHIAN SINGH (Mirpur, Poonch : Sikh) : Is it a fact that Sardar Assa Singh the late Overseer of Mahora Power House brought certain facts about loss caused in the Power House to the notice of the Hon'ble Prime Minister and the Chief Engineer Electrical Department in writing on 30th December 1935?

(b) Is it also a fact that an article under the heading "Bijili Ghar Mahora ki Ajib-o-Garib Halat" appeared in the newspaper "Tarjuman" in its issue of 6th December 1936 has come to the notice of the Government?

(c) If the answer to (a) and (b) be in the affirmative, have Government taken any steps to enquire into the facts stated therein? If nothing has been done to ascertain the truth of the statement, has then the said Overseer been dismissed from service without any enquiry? Will Government now appoint any enquiry commission in this behalf? If not, why?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) :

(a) Yes.

(b) The article referred to has not come to the notice of the Government as no issue of the Tarjuman dated 6th December 1936 was received in the Publicity Office.

(c) An enquiry was made and suitable action taken in cases in which it was found that the allegations were correct though very much exaggerated. The Overseer was a temporary employee. He has not been dismissed.

SARDAR DHIAN SINGH : Was there no enquiry made when a Government servant had given some information in writing.

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : An enquiry was made.

SARDAR DHIAN SINGH : What was the result of the enquiry?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : We cannot say at this time what the result was. If another question is put, the detailed reply will be furnished.

SARDAR DHIAN SINGH : If the said issue of that newspaper is supplied to you Sir, will further enquiries be made into the matter?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : Further enquiry cannot be made when it has already been once made.

611. PEER HISAM-UD-DIN (Bagh Sudhanti, Poonch : Muslim) : (a) Are Poonch Government prepared to reserve a sufficient number of scholarships for education for the Muslim zamindar boys who are backward in education?

(b) If the answer to (a) be in the affirmative, will Government after consultation with the Anjuman Islamia Poonch declare their intention immediately?

(c) If the answer be in the negative, will Government please state as to what hitch they have to reserve scholarships for education?

WAZIR FERROZ CHAND (Wazir : Poonch) : (a) Scholarships are already being awarded to the Muslim students which include agriculturists also.

(b) and (c) In view of (a) above this question does not arise.

612. PEER HISAM-UD-DIN : (a) Is it a fact that the Gujars and the Jats Association submitted a memorial to the Poonch Government regarding their backward condition?

(b) If the answer to (a) be in the affirmative, it may be stated as to what action has been taken thereon?

WAZIR FERROZ CHAND (Wazir : Poonch) : (a) Yes.

(b) The Memorial is under consideration.

613. PEER HISAM-UD-DIN : (a) Is it a fact that the Poonch Government have repeatedly declared about the restoration of reli-

gious places of the Mohammedans?

(b) If the answer be in the affirmative, why have such places not been so far restored to Mohammedans?

WAZIR FEROZ CHAND (Wazir : Poonch) : (a) Yes.

(b) Orders were long ago issued for the restoration of certain grave-yards to the Mohammadans. No complaint in this respect has been received so far.

614. PEER HISAM-UD-DIN : (a) Has Panchayat Regulation been enforced in Poonch?

(b) If the answer be in the affirmative, it may please be stated as to whether the Poonch Government is prepared to establish Panchayat Committee? If so, when?

WAZIR FEROZ CHAND (Wazir : Poonch) : (a) Yes.

(b) L. Durga Dass B. A. Assistant Registrar Co-operative Societies has been deputed to receive training in Panchayat work in His Highness' Government and on his return work with regard to establishment of Committees will be taken up.

615. PEER HISAM-UD-DIN : (a) Have Poonch Government taken any steps so far for rural reconstruction?

(b) If the answer be in the negative, it may please be stated whether the Poonch Government is going to take any effective steps about the rural reconstruction at an early date?

WAZIR FEROZ CHAND (Wazir : Poonch) : (a) Yes.

(b) In view of (a) above the question does not arise.

616. PEER HISAM-UD-DIN : (a) Are Poonch Government on the analogy of Jammu and Kashmir Government prepared to appoint an Anticorruption Commission consisting of official and non-official members?

(b) If the answer be in the affirmative, when should we expect the appointment of such a Commission?

WAZIR FEROZ CHAND (Wazir : Poonch) : (a) and (b) The Praja Sabha Sad is referred to reply to Q. D. No. 197 of the last session.

LALA RAM LAL : Was the evidence of the concerned Poonch Public, recorded by this Commission, or will this be enforced there without this being done? Will you please read the answer of Q. D. No. 197 referred to by you?

LALA RAM LAL : Will it be proper to enforce it without recording the evidence of the Poonch Public?

WAZIR FEROZ CHAND : No special benefit is contemplated, by recording evidence?

LALA RAM LAL : How can you know the conditions prevailing there, without reading evidence of the people.

Sir, it is said there is no need of recording the evidence. How can it be, Sir.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :

The answer given shall have to be accepted. It is a matter of opinion.

617. PEER HISAM-UD-DIN : (a) Have some of the Lambardars who were dismissed or suspended during the disturbances of 1988 been reinstated?

(b) If the answer be in the affirmative, will Government please state as to when will the rest of the Lambardars be reinstated?

COLONEL BALDEV SINGH PATHANIA (Governor : Jammu) :

(a) and (b) All Lambardars of Kashmir province who were suspended or dismissed during the diturbances of Samvat 1988, have since long been reinstated. In the Jammu Province out of 40 Lambardars who were suspended during the disturbances of Samvat 1988, 30 have since been reinstated and the cases of 10 are under consideration. These will also be decided shortly.

MIRZA MOHAMMED AFZAL BEG : Does it include both suspension and dismissal?

COLONEL BALDEV SINGH PATHANIA (Governor : Jammu) :

Yes, Sir. The answer is "the both".

618. HAJI AHMEDULLAH SHAHDAD (Tashawan, Srinagar City : Muslim) : Is the Hon'ble Minister concerned prepared to place before the House the answers to the following questions :—

(a) Is it a fact that as soon as the Glancy Commission completed its report, there was a general complaint about bribery for the checking of which the Government appointed an Anti-corruption Commission?

(b) What has been done by this Commission so far and if this commission has been successful in preventing the evil of bribery?

(c) Are Government prepared to take immediate steps for uprooting the evil of bribery which is rampant here? If the answer be in the affirmative, when will Government take such immediate preventive steps? If not, why?

LALA HAVELI RAM (General Secretary, on behalf of the Prime Minister) : (a) On the motion of Kotwal Lakhmi Ram in the Praja Sabha the Government appointed a Commission to suggest ways and means for the removal of alleged corruption in the services.

(b) and (c) The Commission is busy with its work and the report of the Commission is still awaited. The Government will issue necessary orders after considering the report of the Commission.

HAJI AHMEDULLAH SHAHDAD : When shall we expect the report to be published.

LALA HAVELLI RAM (On behalf of the Prime Minister) : Nothing can be said about it just now.

619. HAJI AHMEDULLAH SHAHDAD : Will Government please state :—

- (a) As to what amount has so far been spent on the limiters?
- (b) What amount has been received as the fee for limiters?
- (c) What sums have been received as fines during 1935-36?
- (d) Will Government by spending this additional sum (which is realized as the fee of the limiters) set up offices in different parts of the city for receiving the charges so that facility may be afforded to the public?

If not, what objection the Government have in doing this?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) :

(a) Rs. 45,567 have so far been spent on the purchase and installation of current Limiters.

(b) During the year 1992-93, Rs. 15,450 approximately were received on account of hire of current limiters.

(c) The Electrical Department does not impose any fines on the consumers.

(d) The Member is referred to the answer given to his Q. D. No. 429. In order to provide more facilities to the public the number of windows for receiving the Electrical charges has now been increased from 6 to 9. It is not therefore necessary to set up offices in different parts of the city as suggested.

HAJI AHMEDULLAH SHAHDAD : Is it not troublesome to the public to pay the electric dues at one place only? Some people have to come from a distance of about four miles to pay these dues. Is it not the duty of the Government to remove such inconvenience of the public?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It has been replied. He says that formerly there were six places where the payments were received, now there are nine such places. Government can do nothing more.

Shouts :—

The place is only one but only the number of receiving windows has been increased.

MR. PRESIDENT (Th Hon'ble Sir Lal Gopal Mukerji Kt.) : I see, the number of windows has been increased. It has been answered that the Government is not prepared to do anything more in this direction.

620. HAJI AHMEDULLAH SHAHDAD : Will the Hon'ble Minister concerned please state :—

(a) As to what amount of tax is annually realized from the tongas in the city proper?

(b) What amount of tax is annually realized from those outside the city?

(c) What amount of tax from the city and what amount from outside the city has been realized during the period between

1931-36? Separate figures may please be given?

(d) In what works has the sum so realized been spent?

(e) What amount has been spent every year to provide facilities to the tonga-wallas between the years 1931 and 1936?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI (Finance Minister) : (a) and (c) Taxes and fees for Hackney carriages from 1931-36 are given below :—

Ending 1931 (1987-88)	...	Rs. 2,900/4/-
Do. 1932 (1988-89)	...	„ 2,424/-/-
Do. 1933 (1989-90)	...	„ 3,028/8/-
Do. 1934 (1990-91)	...	„ 3,732/8/-
Do. 1935 (1991-92)	...	„ 4,026/8/-
Do. 1936 (1992-93)	...	„ 4,535/8/-

(b) None.

(d) The realizations are credited to General Municipal Fund and cannot under the rules be ear-marked for being spent on any particular object.

(e) Facilities are provided from the General Fund in the shape of roads, Tonga Stands, Water troughs, Conservancy and so on, on such places.

621. . HAJI AHMEDULLAH SHAHDAD : Will the Hon'ble Minister concerned please state :—

(a) As to what amount of tax is charged from the tongas coming into the State from outside the State?

(b) Whether there is any difference between the rate of tax charged from the outside tonga-wallas and from the tonga-wallas living within the State?

(c) What amount of Customs duty has been realized every year from the tonga-wallas for the tongas coming from outside the State between the years 1931-36?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI (Finance Minister) : (a) Customs duty 20 per cent. advalorem is charged.

(b) Only such conveyances as are permanently imported are subject to payment of Customs duty, while those imported temporarily plying between the Punjab and the State territory and also those imported temporarily by visitors are passed free of Customs duty. The rate of duty is the same whether the conveyance is imported by an outsider or by a resident of the State.

(c) The amount of Customs duty recovered on tongas during the years 1931 to 1936 is as follows :—

	Rs.
1931	... 55
1932	... 324
1933	... 514
1934	... 1,105

		Rs.
1935	...	712
1936	...	444

622. HAJI AHMEDULLAH SHAHDAD : Is the Government prepared to reduce the rate of tax charged from owners of Tongas in view of the present economic depression and general unemployment?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji (Finance Minister) : The Government does not consider the rate of Tonga Tax heavy and no reduction is called for.

623. CHOUDHARI ABDULLA KHAN (Jammu Wazarat : Muslim) : Is it a fact that the Government granted any aid for the repair of Dansal tank, Tehsil Jammu which is meant for supplying water to certain villages such as Khartoli, Dorni, Chhatala etc, and this is the reason that the tank is not in a satisfactory condition at present?

Will Government please grant some aid for the repair of the above tank which is the only source of water supply to the public and to the cattle of the locality?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : The member is referred to the answer given to Q. D. No. 332 put by Sardar Hari Singh.

624. CHOUDHARI ABDULLA KHAN : Is it a fact that if any area from that washed away by the floods of the Nullahs of Devak and Basanter is reclaimed, its revenue is assessed according to the regular parta of the village in spite of the fact that such reclaimed area from the lands damaged by Nullahs of Devak and Basantar is almost sandy which the zamindars are compelled to cultivate only under dire necessity owing to there being scarcity of land?

If the answer be in the affirmative, are Government prepared to reduce the land-revenue for this specified area and charge parta keeping in view the poor produce and the weak condition of the land and thus take pity on the poor zamindars?

If the answer be in the negative, reasons therefor may please be stated?

COLONEL BALDEV SINGH PATHANIA (Governor : Jammu) : Yes. The Praja Sabha Sad is referred to Rules 9 to 12, 28 and 29 of the Alluvion and Diluvion rules in this connection.

In view of the above, the remaining 2 parts of the question do not arise.

625. CHOUDHARI ABDULLA KHAN : Will Government please state as to whether the land washed away by the Nullahs Devak and Basantar is entered as Government property when Government have no expectation of any profit or income from the produce of the trees or any other kind of income? If the answer be in the affirmative, are Government prepared to cancel such entries of

the land washed away by the Nullahs of Devak and Basantar in view of the welfare of the zamindars particularly when the Government have no income from this?

COLONEL BALDEV SINGH PATHANIA (Governor : Jammu) :
1st part.—If the land previous to its being washed away was entered in the name of any particular person, then the reply is in the negative. If it was entered in the name of the Government then the reply is in the affirmative.

2nd part.—Does not arise.

626. CHOUDHARI ABDULLA KHAN : Will Government please state whether in the Illaqa Ramgarh the Government physician remained for four months only during the last year and that since the beginning of 1993 that Illaqa remained quite unattended?

If the answer be in the affirmative, will Government please state reasons for this and for future it may be stated what measures are under consideration of the Government whereby the Illaqa of Ramgarh may be benefited by these physicians.

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : Hakim Ishar Dass whom the Government had deputed for Ramgarh, had been working there from Assuj 1992 upto Baisakh 1993. Afterwards he was transferred to Reasi District. The reason for his transfer was that there are already 13 private physicians there.

627. CHOUDHARI ABDULLA KHAN : (a) Is it a fact that since the beginning of the year 1991 to 1993 the duties of collection of land-revenue for village Phander, Tehsil Ranbir Singhpora have remained entrusted to Zaildar Sardar Teja Singh of Benagarh?

(b) How many Lambardars are there in the said village? How many, under what charge or for what fault, have been dismissed or suspended?

(c) What amount of land-revenue and *Abiana* was realized from the village Phander through the above said Zaildars in the whole of the year 1991 and what amount out of this sum which was so realized was deposited in the treasury and what amount remained outstanding.

(d) Similarly what sum was realized in the year 1992? What amount out of it was deposited and what remained outstanding?

(e) Similarly what sum of land-revenue or *Abiana* was realized in the year 1993 and what out of it was deposited in the treasury and what sum is still outstanding, at present?

(f) Is the present outstanding amount due from the zamindars or it has been realized by the Zaildar? If it is due from the zamindars, the details of the balance sheet may please be supplied and in case the outstanding sum is such as has been realized by the said Zaildar but has not been deposited by him in the treasury, are Government prepared to take action against the said Zaildar for

doing so? If not, what are the reasons for overlooking the fault of the Zaildar?

COLONEL BALDEV SINGH PATHANIA (Governor : Jammu) :

(a) Yes.

(b) None. One was dismissed for murder; one resigned; and two died.

(c), (d) and (e) Sardar Teja Singh Zaildar realized and deposited into the Government treasury Rs. 2,127/1/9, in Kharif 1991 and Rabbi 1992, Rs. 3,707/15/3 in Kharif 1992 and Rabbi 1993 and Rs. 2,953/7/9 in Kharif 1993. There is no outstanding.

(f) Does not arise.

CHOUDHARI ABDULLA KHAN : How long is it since they died?

COLONEL BALDEV SINGH PATHANIA (Governor : Jammu) : Please ask a fresh question. They had died before the question was asked.

CHOUDHARI ABDULLA KHAN : I beg to ask, if there was no appointment made since then.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : This is no question. It cannot be answered.

628. CHOUDHARI ABDULLA KHAN : Will Government please state as to whether it is the admitted fact that since 1984 a sum of rupee eight hundred belonging to the Zamindari Bank Benagarh is proved to be outstanding against Zaildar Teja Singh of Benagarh?

Have Government taken steps to enforce the realization of the said money so embezzled? If so, the result of the same may please be stated? If no steps have been taken so far, the reasons therefor may please be stated?

NOTE—The Q. D. No. 28 was withdrawn by the member, with the permission of the House.

629. CHOUDHARI ABDULLA KHAN : Will Government please state as to what amount of loan was advanced in the year 1984 by the Zamindara Bank Benagarh to Zaildar Teja Singh of Benagarh and what amount of debt was repaid every year? What is the total amount of the principal sum and the interest outstanding against him at present? What steps are under consideration of the Government to realize that sum and when these will be given effect to?

NOTE—The Q. D. No. 29 was withdrawn by the member with the permission of the House.

630. CHOUDHARI ABDULLA KHAN : Is it a fact that in the Zaildari file the opponent of Zaildar Teja Singh of Benagarh has filed certain copies of the decree sheets issued in connection with the debts that he owes as a proof of Teja Singh's indebtedness? If the answer be in the affirmative, will it please be stated as to what decreed sum due to the bank of the Illaqa are shown in the copies attached to the file and what is the total amount thereof?

Will Government please explain the fact whether it is not contrary to the rules to select this man as Zaildar inspite of his being so much under debt and inspite of the fact that the rules for the appointment of Zaildars provide that a person should not be in debt?

COLONEL BALDEV SINGH PATHANIA (Governor : Jammu) :
1st part.—Yes.

2nd part.—Nothing.

3rd part.—No.

CHOUDHARI ABDULLA KHAN : This reply is ambiguous. Yes corresponds to the first part (read out the first part of the question) of the question has been answered and "No" to the second part of the question, that is to say that the thing admitted at first has been denied subsequently.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :
The answer is that there is no outstanding.

CHOUDHARI ABDULLA KHAN : Sir, it is one and the same thing. It has been affirmed as well as denied.

MIAN AHMED YAR KHAN : Sir, the question is what is detailed amount thereof.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :
There is no arrear. That is a matter of record.

CHOUDHARI ABDULLA KHAN : Is it not against the rules of selection of Zaildars, if a Zaildar is indebted.

MIAN AHMED YAR KHAN : Is it necessary or not according to the rules to ascertain the financial position of the man?

COLONEL BALDEV SINGH PATHANIA (Governor : Jammu) :
Sir, the rules provide and it is to be reported to the Government if he is in debt or not.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :
The Hon'ble Revenue Minister will not move the resolution which stood in the House. So today's work is finished.

The House adjourned till 24th April 1937.

THE
JAMMU AND KASHMIR PRAJA SABHA DEBATES
(Official Report)

VOLUME VI.

PART XI

(24th April 1937)

SIXTH SESSION

OF THE

FIRST J. & K. PRAJA SABHA.



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JAMMU AND KASHMIR PRAJA SABHA.

Saturday, the 24th April 1937.
12th Baisakh 1994.

The Praja Sabha met in the Praja Sabha Chambers at Ajaibghar at Eleven of the Clock.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) in the Chair.

QUESTIONS AND ANSWERS.

631. MIAN QURBAN AHMED (Kathua : Muslim) : (a) Will the Hon'ble Prime Minister please state whether any notification was published on behalf of the Government in the year 1944 or 1945 to the effect that such and such facilities would be granted to the persons who would cultivate (barren) lands in the State? Is it also a fact that it is also stated that the outsiders would be given preference over the inhabitants of this State?

(b) If the answer to part (a) be in the affirmative, will the Government please state whether it was just to adopt the State-subject definition by restricting the period of domicile to the year 1942 when people were to be invited from outside?

(c) Are Government prepared to provide some facilities regarding State-subject to the persons who had been invited from outside and domiciled here or will Government oblige them by purchasing their lands on the present rates?

LALA HAVELI RAM (General Secretary on behalf of the Hon'ble Prime Minister) : (a) (i) Yes. Ains Nos. 5 and 6 of Samvat 1945.

(ii) Yes, *vide* section 2 of these Ains.

(b) and (c) Government are not prepared to take any action. If the Praja Sabha Sad wants the present definition to be modified, it is open to him to move a Resolution in the Praja Sabha.

MIAN QURBAN AHMED : Will section 2 of the Ains which has been mentioned in reply to the latter portion of part 1 be read out for the information of the House?

LALA HAVELI RAM (General Secretary) : Those Ains are not here with me at present.

632. MIAN QURBAN AHMED : (a) Will the Hon'ble Revenue Minister please state the total number of the approved contractors of the Revenue Department of the Mufassils of Kathua

District? How many of them are Muslims and how many non-Muslims?

(b) What amount is provided annually in the Road Cess Budget for the Kathua District and what amount has been paid to the Muslim and what to the non-Muslim contractors within last two years?

(c) What amount has been deducted from the bills of Muslim and what from those of the non-Muslim contractors?

A detailed statement may please be furnished?

COLONEL BALDEV SINGH PATHANIA (Governor Jammu on behalf of the Hon'ble Revenue Minister): (a) No list of approved contractors in the Kathua Wazarat Office is maintained. Contracts for the Road Cess works are given to local persons, specially zamindars, who reside on the road side.

(b) and (c) The enclosed statement gives the information required by the Praja Sabha Sad

Statement showing the amount sanctioned, payments made and amounts deducted.

	1991-92.			1992-93.		
Details.	Hindus.	Muslims.	Harijans.	Hindus.	Muslims.	Harijans.
Budgeted grant ..		5,570		10,724		
Value of works given to...	1,890 0 0	2,480 0 0	1,220 0 0	2,691 0 0	6,739 0 0	1,294 0 0
Actual payments made..	1,266 6 8	1,809 11 3	890 2 9	1,735 4 6	4,808 6 7	1,041 11 9
Deductions made from the bills ..	623 9 4	650 4 9	329 13 3	955 11 6	1,930 9 8	252 3 3

633. MIAN QURBAN AHMED: (a) Is it a fact that at the time of the by-election of the Praja Sabha the Government had issued confidential instructions to the effect that such and such candidates be supported?

(b) If the answer be in the negative, are Government prepared to enquire into the matter? If not, why?

LALA HAVELI RAM: (a) and (b) No.

MIAN AHMED YAR (Muzaffarabad: Muslim): Will it please be stated whether the Government will issue orders that during the next election the officials of the Revenue, Police, Agriculture, Forest and other Departments may not start a campaign and thus adversely effect elections?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): The initial question has been replied in the negative and the Government is not prepared to enquire into it.

MIAN AHMED YAR: Will the Government hold an enquiry about some particular cases if there are any?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): No such thing exists. There is no need to enquire.

MR. M. A. BEG (Anantnag : Muslim): Were some oral instructions given to help some particular candidates?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): The Government have answered.

634. MIAN QURBAN AHMED (Kathua : Muslim): (a) Will the Hon'ble Home Minister please state the periods mentioned in the tender notice and work order of Sheikh Asgar Ali who was granted a contract for supplying arms and culverts of the bridges of Jammu-Kathua road in the month of Katik 1987? And is it also a fact that he had completed his work in the month of Maghar 1987? Will it please be stated on what date his agreement was drawn up and when was it sanctioned, when was it handed over to the contractor and when was the payment made?

(b) What amount was deducted from the bill and how many applications were submitted by him against this and what action was taken on his applications?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister): (a) The period for the completion of the work was two weeks from the date on which the arms and culverts arrived at Pathankot. Yes. Sheikh Asgar Ali completed the work in the month of Maghar 1987. Formal agreement was accepted on 1st Jeth 1988. As regards the date when the agreement was drawn up the contractor did not put down the date. There is no record in the Sub-Division to show as to when the agreement was handed over to the contractor. The payment was made in the month of Har 1988.

(b) Rs. 79/1/- were deducted from the bill. Three applications were received from the contractor. But in view of the fact that the contractor had accepted the payment of the final bill no action was considered necessary to be taken in the matter.

MIAN QURBAN AHMED: There is some difference in the reply that has been read out and the one that I have received.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): What is the difference?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister): (Addressing Mr. Qurban Ahmed) What reply have you received.

MIAN QURBAN AHMED: The reply that I have got reads as:—
“The period for the completion of the work was two weeks from the date on which the arms and culverts arrived at Pathankot. Yes. Sheikh Asghar Ali completed the work in the month of Maghar. Formal agreement was accepted on 1st Jeth.....f

Is this the reply ?

The HON'BLE MR. WAJAHAT HUSSAIN : Yes, this is the reply.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :
Are you satisfied ?

MIAN QURBAN AHMED : Yes, Sir.

635. MIAN QURBAN AHMED : (a) Will the Hon'ble Finance Minister please state whether there is any period fixed for the transfers of the Deputy Inspectors and Assistant Inspectors of Customs Department ? If so, what is it ?

(b) Will the Hon'ble Finance Minister please place on the table a detailed statement for the last five years showing the period after which and the place where the Deputy Inspectors and Assistant Inspectors have been transferred during the last five years ?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji (Finance Minister) : (a) Transfers are made in accordance with the administrative requirements of the Department.

(b) Statement showing the transfers made during the last five years is placed on the table of the Praja Sabha Sad.

Serial No.	Name of incumbent.	Designation.	Place of posting.	Period of stay.	
				From	To
1.	Ch. Bhim Sain	...	Jammu	Maghar 1989	Jhet 1990
2.	Pt. Ishwar Lal	...	Kashmir	Jeth 1990	Chet 1993
3.	Pt. Nila Kanth	...	Jammu	Chet 1993	Continuing
4.	Pt. Nand Lal Bamezai	...	Jammu	Magh 1987	Katik 1991
5.	Pt. Janki Nath	...	Kashmir	Katik 1991	Continuing
6.	Pt. Tara Chand Chugtoo	...	Kashmir	Phagan 1986	Phagan 1993
7.	Pt. Sri Kanth Koul	...	Jammu	Phagan 1993	Continuing
8.	M. Iftikhar Ahmed	...	Kashmir	Baisakh 1988	Assuj 1988
9.	Ch. Fazal Haq	...	Jammu	Assuj 1988	Chet 1988
10.	M. Prithi Chand	...	Kashmir	Chet 1988	Jeth 1993
11.	Pt. Lachmi Narayan Dar	...	Jammu	Jeth 1993	(a) Sawan 1993
				Sawan 1993	Continuing
				Assuj 1988	Continuing
				Har 1992	Phagan 1993
				Phagan 1993	Continuing
				Jeth 1988	Continuing
				Chet 1991	(c) Continuing

(a) Before transfer to Jammu this Deputy Inspector worked in the Kashmir Province.
 (b) In a leave arrangement he worked as an Assistant Inspector before Jeth 1993.
 (c) Before his appointment as Deputy Inspector he worked as an Assistant Inspector in the Kashmir Province.

Sl. No.	Name of incumbent.	Designation.		Place of posting.	Period of stay.	
		Deputy	Inspector		From	To
12.	M. Abdul Hayi	...	...	Jammu	Har 1993	Continuing
13.	L. Jia Lal Gupta	...	"	Kashmir	Baisakh 1993	Continuing
14.	Pt. Gopi Nath Handoo	...	"	Kashmir	Baisakh 1988	Continuing
15.	L. Jagat Ram	...	"	Jammu	Phagan 1986	Magh 1989
16.	Pt. Rameshwar Nath Madan	...	"	Kashmir	Magh 1989	Continuing
17.	Pt. Amar Nath Wali	...	"	Jammu	Phagan 1987	Continuing
18.	Pt. Shamboo Nath Kaul	...	"	Kashmir	Baisakh 1988	Bhadon 1992
19.	Pt. Dina Nath Thussu	...	"	Jammu	Bhadon 1992	Poh 1993
20.	L. Tirth Ram Suri	...	"	Kashmir	Poh 1993	Continuing
21.	Kh. Sona Ullah	...	"	Kashmir	Jeth 1987	Continuing
22.	Pt. Sarwanand Kaul	...	"	Kashmir	Baisakh 1988	Magh 1992
23.	Pt. Dina Nath Dar	...	"	Kashmir	Magh 1992	Har 1993
24.	Abdul Ahad Malik	...	"	Kashmir	Har 1993	Continuing
25.	Pt. Prakash Ram Bambroo...	...	"	Jammu	Baisakh 1988	Har 1992
26.	M. Mohammed Yahyya	...	"	Kashmir	Har 1992	Continuing
27.	Pt. Shanker Nath	...	"	Kashmir	Baisakh 1988	Continuing
			"	Jammu	Sawan 1990	Phagan 1991
			"	Kashmir	Phagan 1991	Continuing
			"	Jammu	Poh 1989	Bhadon 1992
			"	Kashmir	Bhadon 1992	Continuing
			"	Jammu	Maghar 1991	Magh 1992
			"	Kashmir	Magh 1992	Continuing

Serial No.	Name of incumbent.	Designation.		Place of posting.	Period of stay.	
		Assistant	Inspector		From	To
28.	Q. Hafiz-ud-Din	...	...	Jammu	Phagan 1987	Poh 1992
29.	L. Sri Niwas	...	...	Kashmir	Magh 1992	Continuing
30.	M. Ghulam Mohammed Gani	...	...	Kashmir	Jeth 1993	(a) Continuing
31.	M. Ghulam Rasool	...	...	Jammu	Har 1992	Jeth 1993
32.	Pt. Kesho Ram	...	...	Kashmir	Har 1993	Continuing
33.	L. Badri Nath Khosla	...	...	Kashmir	Sawan 1993	Continuing
34.	L. Devi Dass Khosla	...	...	Jammu	Har 1988	Maghar 1989
35.	Ch. Rasul Bakhsh	...	...	Kashmir	Maghar 1989	Poh 1993
36.	Pt. Jagan Nath	...	...	Jammu	Poh 1993	Continuing
37.	Wazir Badri Nath	...	...	Jammu	Phagan 1987	Continuing
38.	Khem Chand	...	...	Jammu	Phagan 1987	Continuing
39.	M. Abdul Haq	...	...	Jammu	Har 1988	Continuing
40.	Pt. Dina Nath	...	...	Jammu	Maghar 1989	Continuing
41.	Ch. Mohammed Shafi Chak	...	...	Jammu	Phagan 1989	Continuing
42.	Pt. Samsar Chand Mattoo	...	...	Jammu	Maghar 1989	Continuing
43.	L. Des Raj Katyal	...	...	Jammu	Phagan 1989	Continuing
44.	Iltaf-ul-Rahman	...	...	Jammu	Baisakh 1991	Continuing
					Magh 1992	Continuing
					Phagan 1991	Continuing
					Baisakh 1988	Sawan 1993
					Sawan 1993	Continuing
					Poh 1992	Continuing
					Jeth 1993	Continuing

(a) Before his appointment as Assistant Inspector in Jeth 1993, he worked as a Mahaldar in this Department.

MIAN QURBAN AHMED : (Addressing the Hon'ble Finance Minister) As I am unable to understand the whole statement therefore please read out just two or three names.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : He wants to know how the whole thing reads.

MIAN QURBAN AHMED : Yes. Some names may please be read out so that it may become clear how the transfers are made.

NOTE.—The Hon'ble Finance Minister read out first four or five names and other columns from the list.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : He wants to know how the transfers are made.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji : The date from which and the date upto which a particular officer remained posted at a particular place have already been stated. For instance Choudhri Bhim Sain remained in Jammu from Maghar 1989 to Jeth 1990 and then he remained in Srinagar from Jeth 1990 to Chet 1993, and then again he was posted at Jammu on Chet 1993 and he is still working there. Similarly it has been stated about other persons also *i. e.* Pandit Ishwar Lal, Pandit Nil Kanth and Pandit Nand Lal that they were posted from such and such dates to such and such dates on such and such places.

SHEIKH MOHAMMED AMIN (Jammu City : Muslim) : Is there any time limit prescribed after which transfers are made.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji : Ordinarily a period of three years is fixed as the limit, but if necessary, it can be changed.

636. LALA SHIV NATH NANDA (Srinagar : Hindu other than Kashmiri Pandits) : (a) Is it a fact that the State has curtailed many Hindu festival holidays such as Lohri, Nirjala-Ekadasi, Bhaiduj, etc. etc. regarding which through newspapers and deputations it has been requested that these holidays may be observed in the State as they used to be in the reign of His late Highness Maharaja Pratap Singh Ji ?

(b) Is it also a fact that Mr. Glancy has laid down in his Report that in matters concerning one's religion there should be a full and equal protection ? If the answer be in the affirmative, will Government out of generosity restore those holidays observed on Hindu festivals in the manner they have been extent in the reign of His late Highness Maharaja Pratap Singh Ji ?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) : (a) The number of public holidays has been curtailed but this has affected all communities and not only Hindus.

(b) Mr. Glancy made no recommendation about holidays and the reference quoted by the member relates to prevention of insults to religion. The Government are not prepared to revise the list in the interest of administration.

637. LALA SHIV NATH NANDA : (a) Is it a fact that Mr. Glancy has observed in the Report of the Commission that in order to provide opportunities to every community in Government services the standard of qualifications cannot be raised too much in order to protect the rights of all communities ?

(b) Is it also a fact that keeping in view this recommendation of the Commission the grades of pays in the Secretariat and other clerical appointments have been fixed so that middle qualified, matric qualified, graduates and illiterate communities may be taken ?

(c) If the answer be in the affirmative, will the Government state how many Hindus, according to this recommendation, have been taken into service and on what posts ? This may also be stated how many Muslims have been taken into service and on what posts ?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) : (a) The Glancy Commission has suggested minimum qualification for various appointments.

(b) The pay of various appointments has not been revised since the Glancy Commission made its recommendations.

(c) The member is referred to the periodical statements of appointments which are published in the Government Gazette.

LALA SHIV NATH NANDA : All right, I will read it.

638. LALA SHIV NATH NANDA : Is it a fact that according to the Glancy Commission recommendations for the posts of Moharrir, Vernacular clerk, Naib-Tehsildars, Assistant Mahaldars, Mahaldars, Foresters, employees of the Press, Head-Constables, Primary School teachers, compounders and the Game Preservation Department Deputy Jemadars for all these posts middle qualified candidates can be taken and that for the posts of peons, watchers, constables and Forest Guards no special ability is necessary ?

(b) If the answer be in the affirmative, will the Government state that according to the recommendations how many Harijans, who are a backward community have been appointed to these posts in accordance with the recommendations of Glancy Commission ?

(c) If the answer be in the negative, what are the reasons therefor ?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) : (a) Yes, except in the case of Naib-Tehsildars who must be Matriculates.

(b) The hon'ble member is referred to the reply to Q. D. No. 167 which will be answered on 26th April 1937.

(c) Does not arise.

LALA SHIV NATH NANDA : (Addressing LALA Haveli Ram) It has been stated in reply that the answer is about to be given. If the reply is with you, it may please be read out now,

LALA HAVELI RAM : That reply is not ready yet. It will be given on Monday the 26th April. Had it been ready I would have read it just now.

LALA SHIV NATH NANDA : You mean to say it will be "conceived" by Monday. (Laughter)

LALA HAVELI RAM : Yes.

639. LALA SHIV NATH NANDA : (a)(i) Is it a fact that from a very long time the complaint that the appointment of a qualified and experienced Director may be made has been submitted to the Government ?

(ii) During the course of the last Jammu Session of the Praja Sabha a deputation of the members waited on late Sir Barjor Dalal and a written application which was signed by both the Hindus and the Muslims was also submitted ?

(b) Is it also a fact that His Highness the Maharaja Bahadur has also ordered that some expert Director of Industries may be appointed very soon ?

(c) Is it also a fact that for the last three years, without break, applications have been invited for the filling up of this vacancy and this year too applications were invited ? Besides, in the Srinagar Session in reply to a question it was said that very soon decision will be made on the applications received and some very capable Director of Industries will be appointed ? If the answer be in the affirmative, will the Government please state what are the reasons for this protracted silence when His Highness has ordered for this appointment, when the applications of the candidates have also been received and when the intelligents of the State have also been very often requested for the filling up of this vacancy ?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) : (a) (i) Yes.

(ii) Yes.

(b) Yes, Government intend appointing a well qualified Director.

(c) Applications were invited and have been examined. What are known as Industries in the State comprise the prospecting for precious metals and minerals, the development of coal and heavy minerals, the manufacture of paper, drugs, boots, the control of printing, the supply of stationery and tents, and so on; it is difficult to find an officer who will have the knowledge, experience and capacity to direct activities of so multifarious a character. But the question is receiving careful consideration and attention.

LALA SHIV NATH NANDA : The matter has been under consideration for the last four years, how long will it remain under consideration.

LALA HAVELI RAM : As long as it is necessary. As long as some person of ability is not found.

LALA SHIV NATH NANDA : You mean as long as some person of ability is not born.

640. LALA SHIV NATH NANDA : Will the Government undertake the trouble of putting before the House the following figures :—(a) How many Hindus have been dismissed from service from 1986 up to the present day? How many of them have been turned out of service on the cancellation of their State-subject certificates and how many on other grounds; what were the qualifications possessed, post held and the pay received by each of them?

(b) How many Muslims have been turned out of service from 1986 to the present day and what were the qualifications possessed, post held and the pays received by each of them?

(c) How many Muslims were appointed in place of Hindus so discharged from service, what were their qualifications and on what posts were they appointed?

(d) In the same period how many Hindus have been taken into service and on what posts? Their pays and qualifications may please be stated?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) : The figures are not readily available but will be collected and communicated later.

641. WAZIR GANGA RAM (Reasi : Hindu) : Is it a fact that out of the candidates who have recently been nominated for the posts of Munsiffs, no Hindu candidate from Jammu Province has been taken in spite of the fact that most of these candidates were quite capable and deserving and had duly submitted their applications also?

If so, will Government please state reasons for doing so?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Judicial Minister) : The reply to first part of the question is in the affirmative.

The Judicial Minister and the Chief Justice made the selection and the Government are assured that the selection made by them is the best in the interest of the Judicial administration of the Department. It would be detrimental to public services if selections were made by provinces or districts or tehsils.

642. SARDAR KANHAYA SINGH : Since the establishment of the Scholarship Selection Board, about four lacs of rupees have been spent from the Government Treasury for the grant of scholarships for training to the students of different communities. Is it a fact that many Sikh candidates applied for the grant of such scholarships and they were deprived of these scholarships?

Will Government please state as to why have the Sikh students been deprived of this legitimate right when a majority of the Sikhs are zamindars and have ever been paying education cess to the Government? Will Government please, in future, pay attention to this fact and redress the grievances of the Sikhs in this behalf so that they may also receive education and thus may stand on a par with other sister communities? When in reply to a question Q. D. No. 751 asked by Wajid Ali Shah, Member Praja Sabha in April 1936, Jammu Session, the Hon'ble Home Minister stated that scholarships are granted to the deserving students on their applying for the same? Did not the Sikh students, on account of their education backwardness, deserve this when the Sikh students did conform to the conditions prescribed in this behalf? How is it that in spite of all this they were not granted any scholarships? Reasons, in detail, may be stated and it may also be stated as to whether this previous deficiency of the Sikhs will be made up in future?

LALA HAVELI RAM: A number of Sikh candidates have been granted scholarships by His Highness' Government. The claims of such of the Sikh candidates, as were suitable and eligible for the grant of scholarships under the rules, have always received the consideration of the Government in the past and their claims will continue to receive the consideration of the Government in future.

SARDAR KANHAYA SINGH: It has been stated in reply that there are ten scholarships for college. Can their details be supplied?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): No, "a few" is written there and not "ten".

SARDAR KANHAYA SINGH: In my reply "ten" is written. I want to know their details?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): (Addressing Lala Haveli Ram) Are you in a position to give the details?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister): No, Sir, not without notice.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): (Addressing Sardar Kanhaya Singh) You are seeing some different question. (Laughter)

643. PANDIT RAM CHANDRA DOBEY: Will Government be pleased to state how much area and of which villages has been included in the Shikargah which has recently been set up in the north of Jammu Tehsil from Tunnel to Mansar and to Basohli? How much land-revenue has been remitted on this account? What amount of remission on account of "Ujara" is proposed to be granted now, and in which villages and for how much cultivated land?

COLONEL BALDEV SINGH PATHANIA (Governor Jammu on behalf of the Hon'ble Revenue Minister) : *1st part.*—Area measuring 13,164 kanals 8 marlas from Zamindari land of 52 villages (statement enclosed) and 2,50,693 kanals 2 marlas Khalsa Sarkar has been included in the big game Rakh (Shikargah Kalan).

2nd part.—The land-revenue with cesses to be remitted on this account amounts to Rs. 1,361/5/-. Remission files of some villages have already been sanctioned and others are being completed in the Wazarats concerned.

3rd part.—No remission has so far been proposed on account of "Ujara". The matter is under enquiry.

PANDIT RAM CHANDRA DOBEY : I have not received a copy of the reply.

COLONEL BALDEV SINGH PATHANIA : It will be given to you just now.

644. LALA RAM LAL VAKIL (Poonch: Hindu) : (a) Are Government prepared to ascertain that in Hyderabad the population of Muslims is much less than that of Hindus and in spite of the Hindu majority the Muslim minority are granted a larger number of concessions ?

(b) If answer to part (a) be that Government are not prepared to enquire into the matter, the reasons therefor may please be stated ?

(c) If part (a) is proved to be a fact, are Government prepared to grant to the Hindu minority in the Kashmir State all those concessions which are granted to the Muslim minority in Hyderabad Deccan, if not, the reasons therefor may please be stated in detail ?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) : (a) Government do not consider it necessary to make such an enquiry.

(b) The Government are concerned with administrating this State with due regard to local conditions.

(c) Does not arise.

645. LALA RAM LAL VAKIL : (a) Is it a fact that the Hindus of the State did not cooperate with the Glancy Commission and that in spite of the protests of the Hindus one member out of two continued to participate in the said Commission ?

(b) If answer to part (a) be that no protest was made by the Hindu community who participated in Glancy Commission proceeding then in the event of only one Hindu member participating were not the findings of the Commission exparte ? If they were not so, the reasons therefor may please be stated ? It may also be stated whether the Kashmir Durbar is prepared

to make amends for this injustice done to the Hindus or not? If not, the reasons therefor may please be stated in detail?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister: (a) and (b) The attention of the member is drawn to paragraphs 2 and 3 of Chapter 1 of the Glancy Commission Report, in which the Commission has explained the reasons for holding its sittings with 3 non-official members only (2 Muslims and one Hindu) instead of four as originally constituted.

LALA RAM LAL VAKIL: My question has not been replied. asked whether the Hindus protested against the Hindu member who participated in the Commission or not?

MR. PRESIDENT (THE Hon'ble Sir Lal Gopal Mukerji Kt.): What is your question?

LALA RAM LAL VAKIL: My question is "Did the Hindus stage a protest against this member or not"?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): It is not so in your question.

LALA RAM LAL VAKIL: No Sir, it is so in the first part of the question.

THE HON'BLE MR. WAJAHAT HUSSAIN: For that purpose you can read Glancy Commission Report.

LALA RAM LAL VAKIL: My question is, "Was any protest made"?

THE HON'BLE MR. WAJAHAT HUSSAIN: Of that we have no knowledge.

LALA RAM LAL VAKIL: You ought to know that.

646. PANDIT RAM CHANDRA DOBEY: Will the Government kindly state in detail before the House as to what extent the work has been done by the Tata Company in working out the Zinc mine in the Reasi District and what has been spent on it upto this time?

COLONEL BALDEV SINGH PATHANIA: The Tata Company did prospective work at the Zinc mines, Reasi Tehsil, by digging a number of pits, drives and drill holes and also carried out some investigation work in the area. Their expenditure is their own concern.

647. PANDIT RAM CHANDRA DOBEY: Will Government be pleased to state the amount and royalty for the final year paid by the former contractor Hakim Singh and Co., of the Padder Sapphire mines, and place the detailed statement on the table of the House regarding the work done by the present contractor in finding out the precious stones upto now and the expenditure incurred on it?

COLONEL BALDEV SINGH PATHANIA: Sardar Hakim Singh and Co. the former lessees of the Sapphire Mines Paddar won 4,017 tolas of selected sapphire corundum and 18,935 tolas of

uncommercial material, royalty on which has not yet been settled for want of proper valuation. The present contractor extracted 4,413 tolas of selected sapphire corundum and 30,220 tolas of uncommercial material. The lessee engaged a European Mining Engineer and two Geologists for the prospecting and mining operations and the work was done at the Sapphire Mines Hagshu, Bhujwas, Valley, Dangel, Chisote and Kaban. The expenditure incurred by the contractors is their concern.

648. PANDIT RAM CHANDRA DOBEY : Will Government please state whether any person has taken up on himself to start the sheep-breeding scheme in Kashmir Province? If so, will the scheme be placed before the House and will it be stated as to what concessions and terms have been granted by the Government in this behalf?

COLONEL BALDEV SINGH PATHANIA : No one has so far produced a workable scheme for sheep-breeding in Kashmir Province. A certain gentleman is trying to work out a scheme and if it appears to be feasible, it will be put up before the Board of Industries for consideration.

649. PANDIT RAM CHANDRA DOBEY : Whatever amendment has been introduced in connection with the demand of Kahcharai on the Glancy Commission Report is not considered sufficient because it is not just to levy tax on the zamindars, whose cattle do not graze in Khalsa areas? Will Government please state whether the Kahcharai bill which is since long under the consideration, will be passed in this session of the Praja Sabha? If not, will the realization of the Kahcharai tax on the cattle of the zamindars be kept in abeyance till the rules for the realization of Kahcharai tax have been finally approved?

COLONEL BALDEV SINGH PATHANIA : *1st part.*—I am afraid not.
2nd part : No.

650. PANDIT RAM CHANDRA DOBEY : Will Government be pleased to state in detail the last year's receipt of Income-tax of each district excluding such income which had accrued from the salaries of the State employees or pensions?

Will the amount of expenditure be also stated?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji :
Kashmir Province.
Urban.

		Rs.	a.	p.
1. Imposition during 1992-93	...	1,27,647	3	0
2. Realization during 1992-93	...	46,944	14	0
	<i>Rural.</i>			
3. Imposition during 1992-93	...	26,758	12	0
4. Realization during 1992-93	...	18,909	1	0

Jammu Province.

Urban.

5.	Imposition during 1992-93	...	55,918	5	0
6.	Realization during 1992-93	...	34,033	14	0

Rural.

7.	Imposition during 1992-93	...	38,400	11	0
8.	Realization during 1992-93	...	19,206	12	0
9.	Tax imposed in respect of salaried persons during 1992-93	...	1,03,744	0	3
10.	Amount realised in respect of salaried persons during 1992-03	...	21,552	3	0

651. PANDIT RAM CHANDRA DOBEY : Will Government please state in detail the income and expenditure from Cesses realized along with the land-revenue annually in each district? Is expenditure kept within the income from such cesses?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : The total income under Patwar, Zaildari, Road Cess, Education and Lambardari realized during 1992-93, is Rs. 1,08,492, 60,323, 18,058 and 1,20,647 (in round figures) respectively and the details by Wazarat are as given below:—

District.	Patwar.			Road Cess.			Education.			Lambardari.		
	Rs	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
Jammu	30,864	14	6	18,003	15	6	5,516	4	9	26,007	15	0
Udhampur	16,565	8	6	8,735	4	9	2,622	5	3	17,470	9	6
Reasi	13,232	4	0	6,424	5	6	1,844	8	9	12,848	11	0
Kathua	16,665	3	9	9,440	2	9	2,766	7	3	18,880	5	6
Mirpur	31,164	5	0	17,719	10	3	5,307	15	3	35,439	5	6
Total	1,08,492	3	9	60,323	6	9	18,057	9	3	1,20,647	0	0

The total expenditure under heads Patwar and Road Cess comes to Rs. 1,95,893 and 51,245 respectively the details whereof are as under:—

District.	Patwar Cess.	Road Cess.	Education.
Jammu	50,330	16,441	19,00,000
Mirpur	44,786	7,771	
Udhampur	45,481	11,653	
Kathua	28,974	10,380	
Reasi	26,522	5,000	
Total	1,95,893	51,245	19,00,000

Efforts are made to keep the expenses within the income accruing under various cesses.

652. PANDIT RAM CHANDRA DOBEY: Will Government please state as to what are the hinderances and difficulties in establishing new markets for vegetables and wheat which have since long been under the consideration of the Municipal Committee? When will this work be taken in hand?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji: The difficulties are mainly financial. The construction of a wheat market calls for heavy outlay which the Municipality with its limited resources cannot finance out of normal annual income.

The possibility of raising funds for the purpose by some other means is being explored.

Rs. 6,000 have been allotted for part construction of a vegetable market this year and the work will be taken in hand during the current Fasli year.

653. KHAWAJA SAIF-UD-DIN-SHAH (Handwara: Muslim): Will Government please state the reasons why revenue for Rabi is charged and that for Kharif is remitted on the Abi area which produces one crop only in the event of there being no crop during the whole year on account of Pani-mar? Are Government prepared to remit the whole of the land-revenue? If not, why?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): Remissions for damage on account of Pani-mar are given only in the harvest in which the flood occurs but if the same flood prevents the sowing of the following Rabi crop by leaving the land under water or otherwise, remissions are again proposed at the Rabi harvest.

The Praja Sabha Sad will please refer to the rules on the subject.

654. KHAWAJA SAIF-UD-DIN SHAH: Is it a fact that in the last two sessions of the Praja Sabha repeated requests were made to the Government that the Shamilat area in village Hajan, Tehsil Baramulla has been taken possession of by some influential officers who are the Chakdars of the place over and above that which they are entitled to get and the poor zamindars have been deprived of the right in the Shamilat? Will Government please order the Tehsildar to divide on the spot the area amongst the zamindars according to their holdings? Will Government please state whether any area of cultivated land is put to auction for the non-payment of Government dues and can a non-agriculturist 1st class State-subject purchase that area of land at the auction?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): *1st part.*—Yes, the question was asked and position explained in reply to Q. D. No. 126 of the last session.

2nd part.—No. The parties feeling aggrieved and claiming right of partition of Shamilat must apply under Section 114 of Land Revenue Regulation and proceed under partition rules in force. An executive order cannot be issued.

3rd part.—The Praja Sabha Sad is referred to Section 18, sub-section (3) of Alienation of Land Regulation. When Government dues or arrears of land-revenue are recoverable as such, this sub-section protects the right of Government to recover its dues in any manner provided under law. In such a case there will be no bar to the land of a member of an agriculturist class being sold to a non-agriculturist. If, however, such dues are not arrears of land-revenue or recoverable as such, the rights of members of agricultural classes will be protected under sub-section (1) of Section 18 and there will be statutory bar to their land being sold to a member of a non-agriculturist class.

655. KHAWAJA SAIF-UD-DIN SHAH: Are Government prepared to send to the Anti-corruption Commission all those cases of illegal exaction pending or decided against the employees of different departments? If not, why?

THE HON'BLE MR. WAJAHAT HUSSAIN: The Government will have no objection to send the file of any case to the Commission for reference if they ask for it.

656. KHAWAJA SAIF-UD-DIN SHAH: Will the Hon'ble Home Minister please state whether for the improvements which have been suggested in the Sopore-Handwara road for which Rs. 7,000 had been provided in the Public Works Department Budget, Rs. 1,000 have now been sanctioned for the lay-out of a three inch "soiling" for that road for sixteen miles, this work will be of no use and it would be a sheer waste of the whole amount? Will Government please order that this sum be utilized for metalling two or three miles of the road to begin with so that gradually in the course of a few years the road may become pucca and the Government may also be benefited?

THE HON'BLE MR. WAJAHAT HUSSAIN: An estimate amounting to Rs. 10,900 stands sanctioned for shingle metalling of the road and not for "soiling". A sum of Rs. 7,000 is sanctioned for the purpose in the current year's budget and the work has been allotted to Khawaja Saif-ud-Din Shah. The balance is being demanded in the next year's budget.

657. SARDAR DHIAN SINGH (Mirpur-Poonch: Sikh): Is it a fact that the Shri Raja Sahib Bahadur of Poonch seeing that the people of Poonch are very backward in education and poorer than the people of other places sanctioned the grant of five scholarships every year for College education in order to improve their condition and a scheme was sanctioned in accordance whereof five students

could every year receive scholarships for College education and this scheme remained in force for two years? If the answer be in the affirmative, is it a fact that the scheme is not followed now; that unless a student has passed B. A. examination no other student is granted scholarship and whether by so doing the object of Shri Raja Sahib of Poonch is fulfilled and whether the educational condition of the subjects can be improved? Will Government under such circumstances please place on the table the sanctioned scheme and in view of the above mentioned facts issue proper instructions in accordance with the "spirit" of the scheme for granting scholarships every year?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister): Yes, so far as the first part of the question goes. Due to serious financial stringency and the fact that alround retrenchments had to be resorted to balance the budget it became impossible to execute the original sanctioned scheme. However, ten scholarships for College education are being provided for at present. The question of acting upon the original scheme will be considered when the finances permit.

SARDAR DHIAN SINGH: Will you please give the details of these ten scholarships.

WAZIR FERAZ CHAND: I cannot answer that off hand; there are ten scholarships.

SARDAR DHIAN SINGH: But that is the sum of total number of scholarships which have been pending for the last two or three years. I ask what will be the expenditure on this scheme for a year? Will Government sanction more money next year for this purpose as against the present limited grant?

WAZIR FERAZ CHAND: It will be sanctioned when the financial position improves.

658. PEER HISSAM-UD-DIN (Haveli Mendhar-Poonch: Muslim): (a) Is any Honorary Magistrate posted in Haveli Medhar Sub-division like Sadnuti Bagh?

(b) If the answer be in the negative, are Poonch Government prepared to appoint as Honorary Magistrate Raja Mohammed Inayatullah Khan, Jagirdar Sedhrun by reason of his being a first class Jagirdar?

WAZIR FERAZ CHAND (On behalf of the Hon'ble Revenue Minister): (a) No.

(b) This will be looked into only when question of appointing any more Honorary Magistrates in the Illaqa is considered.

659. PEER HISSAM-UD-DIN: Will Government please state as to whether the replies to the questions asked in the Praja Sabha about the matters regarding Poonch are given with the consent of the Shri Raja Sahib Bahadur of Poonch?

WAZIR FERAZ CHAND: Replies are given by the Wazir

Poonch on behalf of the Raja Sahib's Administration.

LALA RAM LAL VAKIL: What has been asked is whether the replies are given after they are approved by the Raja Sahib?

WAZIR FERAZ CHAND: No sanction from Raja Sahib is necessary for the replies. The replies are given after seeing the office record.

660. PEER HISSAM-UD-DIN: (a) Is it a fact that the Poonch Government promised to grant land for "Imambara" to the Shia community?

(b) If the answer be in the affirmative, why has the land not been granted for the Imambara?

WAZIR FERAZ CHAND (On behalf of the Hon'ble Revenue Minister): (a) Yes.

(q) The Chief Revenue Officer Poonch has been directed to take action for acquisition of three houses adjoining the Imambara, for its extension and provision exists in the budget.

661. PEER HISSAM-UD-DIN: (a) Is it a fact that there is no Mohammedan LL. B. Vakil in Poonch?

(b) If the answer be in affirmative, will the Poonch Government grant permission to pleaders from outside the State so long as local law graduates are not available?

WAZIR FERAZ CHAND (On behalf of the Hon'ble Revenue Minister): (a) There is one Mohammedan law graduate but he has not joined the Bar.

(b) No exception can be made to rules in this behalf. Mohammedan State-subjects from Jammu and Kashmir can come and start practice here if they so like.

662. PEER HISSAM-UD-DIN: (a) Is it a fact that the playground which was given to the Islamia High School Poonch previously by the Poonch Government is from a long time not in the possession of Islamia High School?

(b) If the answer to part first be in the affirmative, are Poonch Government prepared to kindly restore the former playground to the Islamia High School, if so, when?

(c) If the answer to part (b) be in the negative, are Poonch Government prepared to grant a new play-ground instead of the previous one, to the Islamia High School Poonch at an early date? If so, when?

WAZIR FERAZ CHAND (On behalf of the Hon'ble Revenue Minister): (a) Yes.

(b) The matter is under correspondence with the Private Department. For the present the Islamia High School boys are allowed to use a portion of a Polo ground for the purpose.

(c) In view of the (b) above the question does not arise.

663. PEER HISSAM-UD-DIN: Is it a fact that in Poonch scholarships for education are granted in Government schools only?

(b) If the answer be in the affirmative, are the Government prepared to grant the scholarships as they grant in the Government schools to the students of the Islamia High School Poonch which is the only national educational institution in Poonch?

WAZIR FERROZ CHAND (On behalf of the Hon'ble Revenue Minister): (a) Yes.

(b) No, as under rules scholarships cannot be granted from Public Chest to aided schools. Islamia High School is receiving a very liberal grant-in-aid amounting to Rs. 6,000 annually.

664. PEER HISSAM-UD-DIN: (a) Are Government prepared to arrange an All Parties Conference like that of 1989 whereby the people may submit their legitimate grievances to Shri Raja Sahib Bahadur Poonch through Wazir Sahib Poonch?

(b) If the answer to (a) be in the affirmative, will Government please frame rules for it in such a way that it may have at least one annual session under the Presidentship of the Wazir Sahib of Poonch?

(c) If the answer to part (a) be in the negative, it may please be stated as to what is the hitch in the matter?

WAZIR FERROZ CHAND (On behalf of the Hon'ble Revenue Minister): (a) There is no necessity of holding such a conference as with the inauguration of the Praja Sabha every community has full opportunities of giving expression to its grievances and demands through its members in the said Sabha.

(b) and (c) The question does not arise.

665. LALA SHIV NATH NANDA: Is it a fact that from the State every year Kashmiri coolies go out to the Punjab etc., to work as labourers? If the answer be in the affirmative, will Government please state:—(a) the appropriate number of such labourers every year?

(b) Whether some industry can be started in the State whereby the State may also gain and the poor labourers may not have to wander from door to door like nomads?

(c) If there is any such scheme it may be put before the House?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister): Yes.

(a) The number is not known as no record is maintained by Government.

(b) This is a matter which requires very careful consideration and cannot be decided by means of questions and answers.

(c) There is no such scheme at present under consideration.

LALA SHIV NATH NANDA: You say that this matter can not be settled in questions and answers. How else can it be settled, then?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): That is a discussion.

666. LALA SHIV NATH NANDA : Is our Government aware that the British Government have proposed to grant lands to educated youngmen desiring to take agriculture as profession *vide* "The Milap" dated 1st October 1936 ? If the answer be in the affirmative, will our Government also following the example of British Government grant lands to educated youngmen for agricultural purposes ? If the answer to this be that our Government is not aware of any such thing, will the Hon'ble Prime Minister, if he finds after enquiry, that this information is correct, recommend to the Government to take practical steps in this direction ?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister): Yes, the Government is aware that the Punjab Government have proposed to grant lands to educated youngmen to start agricultural colonies on a co-operative basis. A scheme is under the consideration of the Revenue Minister, but in this State it is very difficult to find a suitable area of land of sufficient size.

667. LALA SHIV NATH NANDA : (a) Is it a fact that our Government has decided to join the Federation ?

(b) Is it also a fact that in the event of the State joining the Federation the Customs Department will be abolished ?

(c) If the answer be in the affirmative, will the Government allow enough time to traders of the State so that the goods on which they paid several lacs of rupees as Customs duty may be disposed of without their suffering any loss ?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) : (a) The matter is pending and no reply can be given.

(b) There is no reason now to suppose that the Customs Department would be abolished.

(c) Whatever the decision of the Government may be the Government will surely look to the interests of the traders of the State before any decision is arrived at.

SARDAR DHIAN SINGH : Will Poonch Customs be affected by the State joining Federation ?

MAJOR GENERAL JANAK SINGH JI : We are in the same boat, if the boat sinks we also sink with it.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It is a new question.

668. LALA SHIV NATH NANDA : (a) Is it a fact that the clerks proposed to form a clerks' association the aim of which was that if ever injustice is done to them they may be able to approach the Government through the association for which they applied to the Hon'ble Prime Minister about four years back.

(b) If the answer be in the affirmative, will the Government

please state that why they have been deprived of their legitimate rights in spite of the fact that in accordance with the Glancy Report there should be no restriction for the inauguration of any association and are the Government now prepared to grant such permission ?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) : (a) A request for starting a clerks' association was received in 1933.

(b) The question of permitting the starting of service associations subject to recognition by Government under conditions imposed by them will be examined.

LALA SHIV NATH NANDA : How long will it remain under consideration ? Now four years have passed and still no decision has been made ?

LALA HAVELI RAM : No limit can be fixed as regards time.

LALA SHIV NATH NANDA : When there is no time limit then what is the necessity of asking questions ?

No reply was given.

MIAN AHMED YAR : What are those laws which prohibit the starting of Associations without permission. When the press and the platform are granted freedom why can't they start associations without permission.

LALA HAVELI RAM : Government Servants Conduct Rules do not permit that.

669. LALA SHIV NATH NANDA : (a) Is it a fact that the powers of issuing State-subject certificates have been granted to Wazirs Wazarat and that it is their duty to examine witnesses in order to satisfy themselves ?

(b) Is it also a fact that such applications are referred to the Dogra Sabha for report and certificates are issued on their mere report and that it is becoming difficult for those people to get the State-subject certificates who are unable to get an attestation by the Dogra Sabha ?

(c) If the answer be in the affirmative, will Government state whether this is being done under orders ; and why is this right granted to the Dogra Sabha alone when there are other Sabhas and societies also ?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) : (a) Yes, the Wazirs Wazarat and Tehsildars are empowered to issue State-subject certificates, provided they themselves are 1st class State-subjects otherwise the next higher officer issues them. No certificate is granted unless the issuing officer is satisfied with the evidence produced before him.

(b) No, but when a notice inviting objections, if any, is issued and the Dogra Sabha or any other body or person puts in any objection in the case, the same is considered.

(c) In view of reply to part (b), this question does not arise.

670. MR. ABDUL KARIM: (a) Is it a fact that a Resolution to the effect that in Government service preference should be given to the zamindars has been passed in the Praja Sabha?

(b) If it is a fact how many persons have since been taken in service and how many of them are zamindars and to what district they belong?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister): (a) Yes.

(b) The information available at present has been embodied in the statement which has been placed on the table of the Praja Sabha Sad.

Statement showing the Number of Agriculturists employed in various Departments.

Name of Department.	Total number of appointments made.	Number of appointments given to Agriculturists by Districts.
Public Works, Telephone and Telegraph Departments	67	<div>32</div> <div>Figures by Districts not available.</div>
Police Department	284	<div>204</div> <div> <div>Mirpur ... 47</div> <div>Jammu ... 44</div> <div>Udhampur ... 19</div> <div>Reasi ... 4</div> <div>Kathua ... 6</div> <div>Baramulla ... 21</div> <div>Srinagar ... 34</div> <div>Muzaffarabad 17</div> <div>Gilgit ... 1</div> <div>Poonch ... 11</div> </div> <hr/> <div>Total ... 204</div>
Finance Department	19	<div>17</div> <div> <div>Jammu District 9</div> <div>Udhampur ... 1</div> <div>Mirpur ... 1</div> <div>Reasi ... 1</div> <div>Kashmir ... 5</div> </div> <hr/> <div>Total ... 17</div>

Name of Department.	Total number of appointments made.	Number of appointments given to Agriculturists by Districts.
Medical and Jails Department	125	55
		Udhampur ... 10
		Srinagar ... 7
		Frontier District 3
		Baramulla . 2
		Muzaffarabad 1
		Jammu ... 11
		Kathua ... 1
		Mirpur ... 17
		Reasi ... 3
		<hr/>
		Total ... 55

671. MR. ABDUL KARIM: Will the Government please state whether any encouragement is given to a person in whose favour it is definitely proved that he is faithful and an honest one? If so, what?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister): Yes, due consideration is paid to these facts at the time of promotion.

672. HAJI AHMEDULLAH SHAHDAD: Will the Hon'ble Minister-in-charge of Hospitals please state:—(a) as to whether there are any food arrangements for the indoor patients in the hospitals in the Mufassils?

(b) Whether there are separate arrangements for Hindu, Muslim and Sikh patients?

(c) Whether in many hospitals Hindus cook food for both Hindus and Muslims which is not permitted by the religion of Muslims under religion and which is a painful thing (see the case of Tral Hospital)?

If the answer be in the affirmative, what steps will be taken to remove this serious complaint? If not, why?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister):

(a) Yes, at important stations.

(b) No.

(c) I have no knowledge of the religious principle referred to in the question.

673. HAJI AHMEDULLAH SHAHDAD: Is it a fact that the Customs Department have sent an information in the office of the Revenue Department to the effect that the workers of the Muslim Conference detain the Bakarwals at Mahals for cards

days together? If the answer be in the affirmative, are Government prepared to inquire into this matter and will they, if it is proved to be false, take action against the persons who reported this?

NOTE. —The above question was subsequently withdrawn by the member in the House.

674. HAJI AHMEDULLAH SHAHDAD: (a) How many teachers in the Government Girls Schools were ordered in the year 1992-93 to go for training in the Normal Schools?

(b) In which month did they receive the order to join the Normal School and when did they actually join there?

(c) How many months in general were spent by them on the training?

(d) Who will be responsible for the deficiency in their training if they have put in a period of less than a year in training?

THE HON'BLE MR. WAJAHAT HUSSAIN: (a) Fourteen.

(b) They received orders in different months from Poh 1992 to Jeth 1993.

(c) Seven months, but not in the case of those who were primary pass. They are still under training.

(d) This question does not arise as the teachers have made up their deficiency.

675. HAJI AHMEDULLAH SHAHDAD: Does the Government consider the sum of rupees 250 sanctioned for the construction of sheds for the Courts at Srinagar to be sufficient for the purpose when thousands of litigants cannot be accommodated in the compound of the Court? If the answer be in the affirmative, are the Government prepared to consider the question of further arrangements for construction?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Judicial Minister): The sum of Rs. 250 sanctioned for the construction of sheds for the Courts at Srinagar has been considered to be sufficient for the present. However, the Government will be prepared to reconsider the whole question if it finds that the newly constructed shed and the sheds already in existence are found insufficient to accommodate the litigant public at Srinagar.

676. HAJI AHMEDULLAH SHAHDAD: Will the Hon'ble Minister concerned please explain as to what is the number of the teachers in the compulsory education schools?

(b) How many of them are Muslims and how many non-Muslims?

(c) If the proportion has not come up to that recommended by the Glancy Commission when will steps be taken to remove this deficiency?

If the answers to (b) and (c) be in the affirmative, what steps will be taken? If not, why?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) 261.

(b) 82 Muslims and 179 non-Muslims.

(c) No communal proportion in services has been fixed by the Glancy Commission.

677. HAJI AHMEDULLAH SHAHDAD : Will the Hon'ble Minister concerned place before the House the following figures :—

(a) How many lunatics were admitted in the Lunatic Asylum Srinagar during the last five years ?

(b) How many of them recovered ? What sum has been spent on the medicines ?

(c) If the treatment of the lunatics has not been successful what are the reasons therefor ?

If the answer be in the affirmative, what steps are the Government going to take in this behalf ?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) 130.

(b) 123 patients were discharged from the Asylum. Some of them have recovered and some are better than before. The yearly grant allotted for medicines is Rs. 80.

(c) To allege that the treatment is not satisfactory, would not be proper. The second part of the question does not arise.

678. HAJI AHMEDULLAH SHAHDAD : Is it a fact that the medicines are not tested in the Government dispensaries ?

(a) The doctors hand over prescription to the patients to get medicines from the bazar and that medicine is not supplied from the hospital ?

(b) If the hospitals are meant for the public welfare why are not the patients provided with medicines from the hospital instead of purchasing these from the bazar ?

(c) Are not all the medicines prescribed available to the patients from the hospitals ? If not, what is meant by public welfare then ?

If the answer to (a), (b) and (c) be in the affirmative, what measures are the Government going to adopt in this behalf ? If not, why ?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) Yes.

(b) No, except in the case when it is not available in the dispensary.

(c) Does not arise.

(d) This question does not arise.

679. HAJI AHMEDULLAH SHAHDAD : Are Government aware that during the last session, it was requested that Government may kindly make arrangement for the widows, disabled, crippled, blind and other needy persons and it was stated that an enquiry would be made as to whether the Government charities are provided by the State or out of the private purse ? It may please

be stated whether enquiry has been made in this matter or not? If not, why?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Kh. Ahmedullah Shahdad cannot be supplied with the reply to the above question as some enquiry was made from him in this connection which he has not replied yet.

680. HAJI AHMEDULLAH SHAHDAD : Is it a fact that:—
(a) Lambardars of the villages collect land-revenue from the zamindars?

(b) The Lambardars charge an additional sum called "Siwa" besides the land-revenue from the zamindars which is called by the name of "Savab"?

(c) These zamindars do not receive any receipts for the payment?

(d) Are Government prepared to order that in future every Lambardar should give regular receipt of the payments made to him keeping a duplicate copy with himself?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : (a) Yes.

(b) The Lambardars collect total demand including land-revenue and cesses. They do not charge any excess additional sum.

(c) No. The Lambardars are required to give receipts.

(d) The order suggested is unlikely to be effective.

681. CHOUDHRI ABDULLA KHAN : (a) Will Government please state the total number of the villages in the Zail of Benagarh along with the details of Hindu-Muslim population separately?

(b) How many and what villages in this Zail are such the population of which consists of Hindu Jats and wherein the Zaildar commands a majority of his clansmen? If his influence in this respect is nil, and it being an admitted fact that he is under a heavy debt, it should necessarily be stated why in spite of this he has been selected as a Zaildar?

NOTE.—The above question was subsequently withdrawn by the member.

682. CHOUDHRI ABDULLA KHAN : Will Government please state whether at the time of fixing the instalment of the judgment-debtor an enquiry is made about the entire debts that he owes or if it fixed only on consideration of his Hasiyat? If no enquiry is made about other debts, will Government please consider this fact that the instalment may be fixed keeping in view the entire debts to be paid by the judgment-debtor so that he may have facility in the payment of his debts?

PANDIT RAM NATH SHARMA (Judicial Secretary) : When an enquiry is made regarding the paying capacity of a judgment-debtor, all the debts that he owes are taken into consideration and the instalments are fixed according to his paying capacity.

683. CHAUDHRI ABDULLA KHAN : Is it a fact that in the matter of elections to the Praja Sabha the Government is guided by considerations of caste particularly among Hindus (*i. e.* Pandits, Sikhs and depressed classes etc.) ?

If the answer be in the affirmative, will the Government also recognize the same principle in the case of majority communities among Muslims ? If not, reasons thereof may please be stated ?

LALA HAVELI RAM (General Secretary on behalf of the Hon'ble Prime Minister) : (a) No. Separate constituencies have been fixed for Muslims, Hindus and Sikhs, *vide* Section 1, Part I and Section 2, Part II of Electoral Regulations of 1990 regardless of caste considerations.

(b) Does not arise.

684. CHAUDHRI ABDULLA KHAN : Is it a fact that in the issuing of decrees, the seasonal or crop conditions are not taken into consideration, nor the concession of termination of the period fixed for payment of the land-revenue is allowed ? If the answer be in the affirmative, will the Government please consider this fact in this matter and order the protection of the produce of the zamindars at least upto the termination of the period fixed for the payment of land-revenue ?

PANDIT RAM NATH SHARMA (Judicial Secretary) : The number, amount and intervals for the payment of instalments are fixed by the courts after taking into consideration the paying capacity of a judgment-debtor.

The court which passed a decree or the court to which a decree may be transferred for execution have powers under Section 14 of Regulation I of 1993 to alter the number, amount and intervals of instalments to suit the changed paying capacity of a judgment-debtor.

In view of the reply to part one of the question, part two does not arise.

CHAUDHRI ABDULLA KHAN : My question was whether in the execution of decrees, seasonal and crop conditions are taken into consideration.

PANDIT RAM NATH SHARMA : This fact is kept in view.

CHAUDHRI ABDULLA KHAN : Sir my question.....

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Yes, all these facts are taken into consideration.

685. CHAUDHRI ABDULLA KHAN : Will Government please state whether the education fund is realized from the zamindars only, and whether the population of the towns and the cities is totally exempt from this ? If the answer be in the affirmative, will Government please explain as to why, as compared with the people of the city and towns, the zamindars receive less opportunities of education ?

What are the reasons that there are no Upper and High Schools for the zamindars ?

THE HON'BLE MR. WAJAHAT HUSSAIN : The Education Cess, the income from which amounts to Rs. 45,000 is collected from the zamindars. Those zamindars who reside in towns and cities are not exempted. The opportunities for education given to zamindars are as liberal, if not more so, as those for non-zamindars.

There are 5 High Schools and 5 Middle Schools in the cities of Jammu and Srinagar, while there are 10 High Schools and 67 Middle Schools in the Mufassil only.

CHOU DHRI ABDULLA KHAN : Are zamindars provided any facilities for compulsory education ?

THE HON'BLE MR. WAJAHAT HUSSAIN : Yes, to such zamindars as live within the cities.

686. CHOU DHRI ABDULLA KHAN : (a) Will Government please state as to why Zaildar Sardar Teja Singh of Tarapura of Ranbirsinghpura has acquired land under sale in village Tarapura and has become possessor and owner of the land ? On what date was he retired on pension and from what date has he been appointed as Zaildar ?

(b) What is the total number of the villages in a Zail ? How many of them are inhabited by Hindus and how many by Muslims ? How many villages in his Zail are such where he commands the majority of his clansmen *i. e.* Hindu Jats ? If his influence on the ground of the majority of his clansmen is nil, will Government please satisfy the House by stating the reasons for selecting him as a Zaildar or it was only by dint of his influence acquired by him during his service in the State that he was appointed as Zaildar ? Reasons may please be stated ?

NOTE.—The above question was subsequently withdrawn by the member in the House.

687. CHOU DHRI ABDULLA KHAN : Will Government please state how many branches of the Zamindari Bank of the State are such as are remaining in deficit at present and are made to contribute to the expenditures on account of establishment realized from such branches ? If inspite of so much deficit they are made to contribute to the share of expenditure realized from them, reasons for it may please be stated ?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI (Finance Minister): Expenditure on maintenance of Audit-paid Fund Staff is levied proportionately from all societies whether they run at a deficit or at a profit. Societies running at a deficit require more supervision than others and there is no reason to make an exemption in their favour. Apart from charging proportional expenditure from badly working societies, we have to charge a levy

from liquidated societies even, as we cannot maintain a liquidator without that.

688. CHOUDHRI ABDULLA KHAN : Will Government please state as to whether they had given an assurance to consider the question about the unlawful realization of Abiana in village Magharwal and Sukherwal etc. of Tehsil Ranbirsinghpura which was justified and had stated that the papers were submitted for sanction. In the last session it was stated that the matter was under consideration ? Will Government please inform the House about the result in the matter ?

COLONEL BALDEV SINGH PATHANIA : The question appears to refer to Magharal and Sanghial villages. No Abiana will be charged from the zamindars whose land is not irrigated directly from any distributary or minor of the Ranbir Canal.

CHOUDHRI ABDULLA KHAN : When will action be taken to stop charging "Abiana" ?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It is not realized, I suppose.

THE HON'BLE MR. K. N. KKOX : I don't know whether any amount has been realized on this account. If so, presumably it will be refunded.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It will be refunded if it has been realized.

689. CHOUDHRI ABDULLA KHAN : Will Government please state whether any sum has been spent from the Water Supply Fund in the last year in Illaqa Ramgarh ? If so, where ? If not, why ?

COLONEL BALDEV SINGH PATHANIA : There is no specific Water Supply Fund in Illaqa Ramnagar or elsewhere.

690. CHOUDHRI ABDULLA KHAN : Will Government please state whether the Public Works Department require the services of the road coolies throughout the year ? If the answer be in the affirmative, it may please be stated why this establishment is not brought on permanent or at least on temporary scale ? What are the reasons for its being maintained on daily labour ?

THE HON'BLE MR. WAJAHAT HUSSAIN : Yes, coolies are paid from the grant "maintenance and repairs" which is a fluctuating one. Therefore coolies cannot be given permanent jobs.

691. SHEIKH MOHAMMED AMIN (Jammu : Muslim) : The Hon'ble Home Minister in reply to my supplementary question Q. D. No. 546 of the last Srinagar Session stated that if he was reminded about the construction of a well in village Daghor, Tehsil Samba, he would consider the matter. Will it now please be stated as to whether any estimate has been prepared for the construction of the well in the said village ? If uptil now nothing has been done, will it be done this year and the sum provided for it ?

THE HON'BLE MR. WAJAHAT HUSSAIN : The member is referred to the answer given to Q. D. No. 332 put by S. Hari Singh.

NOTE.—The answer to the above Q. D. was read out by the Hon'ble Home Minister at the request of the member.

THE HON'BLE MR. WAJAHAT HUSSAIN : Figures and details are as under.

SHEIKH MOHAMMED AMIN : Sir, this is the reply to Q. D. No. 691.

THE HON'BLE MR. WAJAHAT HUSSAIN : I beg your pardon. That reply is not with me here. It will be given later.

692. SHEIKH MOHAMMED AMIN : (a) Will the Hon'ble Home Minister please state for the information of the House as to what has been the average number of patients (other than the surgical cases) attending the State Unani Dispensary and the Civil Hospital Jammu during the year 1991-92 ? Will it also be stated as to how many doctors and how many compounders remained on duty during the year in the Civil Hospital and what pay did they get and also how many Hakims and compounders were employed during the year in the State Unani Dispensary and what pay did they get ?

(b) How much sum in the years 1991-92 has been spent in the Civil Hospital Jammu on the medicines provided to the patients (excepting surgical treatment) and how much sum was spent on medicines in the State Unani Dispensary Jammu ?

(c) If the number of the patients be sufficient in the State Unani Dispensary, will Government raise the grant of medicines of this dispensary at present at least to five hundred rupees yearly and appoint a Khidmatgar and a compounder there in order to remove the trouble of the patients ?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) and (b) The required figures are as follows. To compare the work of the State Hospital with the Unani Dispensary is a useless task as the work of State Hospital for instance operation on eye, teeth, X'ray and Laboratory Department etc. is quite different from the work of a Unani Dispensary.

Staff.

Name of Hospital.	Doctors.	Compounders.	Nurse.	Hakim.	Expenditure on account of pay.	Medicines.	Average number of patients.
Saddar Hospital Jammu.	9	10	1	...	24,960	2,745	66,754
Unani Dispensary.	...	...	...	1	852	300	29,708

It is with regret that I have to state that this Hakim spends the major part of his time in trying to increase grant for himself. This point is under consideration as to why not an appointment of a best Hakim be made in stead of such Hakim who is negligent in the treatment of the patients?

SHEIKH MOHAMMED AMIN : Sir, it has been stated that Rs. 24,307/5/- are approximately spent on the Central Hospital while only Rs. 1,152 are spent on Hakims.

THE HON'BLE MR. WAJAHAT HUSSAIN : Only Rs. 800.

SHEIKH MOHAMMED AMIN : Rs. 800 are spent on the pay of Hakims while Rs. 300 only are spent on their medicines. The number of patients who visit the Central Hospital is 68,754 while those who visit Unani Hakims is 29,708. Last year there was no order for giving any grant to Unani Hakims. If the number of patients who go to Unani Hospitals is large, they should be given a grant of Rs. 500 instead of Rs. 300 and one Compounder and Khidmatgar should be provided there. It was alleged that this Unani Hakim was doing all that for personal benefit. He has to attend to a hundred or hundred and fifty patients per day and under the circumstances it is but imperative that this grant be raised.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Frame a question and send it.

SHEIKH MOHAMMED AMIN : Is Government inclined to consider it this year?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It is for the Government to contemplate.

THE HON'BLE MR. WAJAHAT HUSSAIN : Government has no such intention.

SHEIKH MOHAMMED AMIN : I submit, will this matter be considered this year?

THE HON'BLE MR. WAJAHAT HUSSAIN : I regret to say that Government will not do so.

SHEIKH MOHAMMED AMIN : Has Government recognized the ability of Hakims? If so, will not Government provide them facilities?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You cannot question that.

693. SHEIKH MOHAMMED AMIN : Will Government please state for the information of the House whether they intend to extend Railway line upto Akhnoor?

If the answer be in the affirmative, will it please be stated what stage this scheme has reached and when will the railway line be started?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister.) : Government appointed a Committee

to consider the proposal for constructing a Railway from Jammu to Akhnoor. The Committee found that they could not adequately consider this matter until they knew what the cost of such a line would be. The Agent North Western Railway was accordingly requested to make the necessary survey and estimate. The survey and estimate have recently been received by the Secretary of the above Committee and are being circulated in the first instance to all members so that meeting of the Committee can be held at an early date to discuss the matter.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): There is a question the answer to which was postponed from 22nd to 24th April. Its serial number is 593 and is put by Pandit Jia Lal Kilam to Hon'ble the Prime Minister.

MIAN AHMED YAR: As we have not got the answer, it may please be read out.

NOTE.—The Secretary read out the following questions.

593. PANDIT JIA LAL KILAM: Will the Government be pleased to state:—(a) Does the Government know that a mock funeral procession was taken out in Srinagar by a section of the Muslims against judge Bindraban?

(b) Does the Government know that this mock funeral procession was carried out in a manner in which fun was made and insult offered to Hindu religion?

Why was this procession allowed to be taken out by the local authorities?

Has this procession caused a great deal of resentment amongst Hindus of Srinagar?

How many telegrams were sent by them?

What action was taken on these telegrams?

What action does the Government contemplate to take against the local authorities for allowing such a procession to be carried out?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister): (a) Yes.

(b) (i) So far as Government are aware no insult was offered to Hindu religion.

(ii) There is nothing to prevent any procession being taken out so long as there is no apprehension of a breach of peace.

(c) Several telegrams were received from Hindus expressing resentment. No specific action was considered necessary on the telegrams as Government had the situation otherwise in hand.

(d) The question does not arise in view of reply to part (b) (ii).

PANDIT JIA LAL KILAM: I would like to put a question with your permission. Does the Government know that carrying out of a funeral procession is a religious ceremony in Hindus?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) : Yes.

PANDIT JIA LAL KILAM : We see that the Government admits in first part of the answer that a mock funeral procession was carried out. Is it not an insult to the religion ?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You have put the question. Arguments are not necessary now.

LALA HAVELI RAM : Mock procession is no insult to one's religion.

MAJOR GENERAL RAO BAHADUR JANAK SINGH : Because it is *mock*.

PANDIT JIA LAL KILAM : It is admitted by the Government that carrying out a funeral procession is a religious ceremony. If fun is made of it or mocking is made to it, is it not an insult ?

DEWAN BAHADUR N. GOPALASWAMI AYYANGAR (Prime Minister) : I do not follow the question.

NOTE —The Hon'ble President repeats the above question of Pandit Jia Lal Kilam.

DEWAN BAHADUR N. GOPALASWAMI AYYANGAR : What do you mean by "mock" ?

PANDIT JIA LAL KILAM : Mock funeral procession is a procession which is not really a funeral procession. It is a procession carried out in fun. There was no dead body, only a plank of wood was taken by the Muslims. I want to explain the question now. Because a certain judge had given his judgment and that judgment was not to the satisfaction of the Muslims, therefore they carried out the procession meaning thereby that the judge was dead.

LALA HAVELI RAM : Carrying someone's mock procession does not amount to an insult to his religion.

CONFERENCE PARTY : Hear, hear.

PANDIT LOK NATH SHARMA : Here there is no question of "some one".

PANDIT JIA LAL KILAM : Here there is no question of "some one".

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The answer has come.

PANDIT JIA LAL KILAM : Either the Government should not give its opinion or if it gives the opinion then the members may be allowed to clear that opinion. There was the insult of religion and the Government has given its opinion, the members also should be allowed to give their opinion as well.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It was an introductory question and therefore I had allowed it.

PANDIT JIA LAL KILAM : I bow to the ruling but am not satisfied with the answer.

SHEIKH MOHAMMED AMIN : Point of order, Sir. We have to face great inconvenience as the questions for a particular day are supplied on that very day and the members cannot find out what replies are given to what questions. Last year the replies used to be supplied to us two days in advance.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It is only today that the questions were so delayed.

LALA RAM LAL : This happened before also, day before yesterday too. We received the questions and the replies both at the same time.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I will look into the matter.

LEGISLATIVE BUSINESS.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The Hon'ble Finance Minister will now move that part I of the Municipal Bill be referred to Select Committee.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji: Sir, the law at present in force is the Municipal Regulation of 1970. In face of the social advancement that has taken place since then an amendment in the existing regulation seems necessary. Last year Sheikh Mohammed Amin, Member Praja Sabha, moved an amendment bill which for certain reasons the Government did not accept and it was promised that on behalf of the Government a new bill will be moved to amend the existing Regulation. Accordingly it will appear from the bill which has been placed before the House that under this Regulation the powers which Government desires to keep to itself do not in any way exceed those which are exercised by the Punjab Government, under the Punjab Municipal Act, and the powers proposed to be granted to the Committees are greater than those which they enjoy already.

The amendments worth mentioning are briefly as under : —

(1) In the existing Regulation several words and sections are not defined. This shortcoming has been removed in the amendment bill.

(2) Keeping in view the present day requirements it has been thought necessary that to cope with the increasing rush of work and to finish it in time the principle of distribution of powers be followed. Accordingly the details of such delegation are mentioned in this bill under para 36.

(3) The Committees and the employees of the Committees are entitled to a notice before discharge.

(4) Regarding outbreak of fire, necessary amendments and additions have been proposed in the amendment bill and the Committees have been empowered to hand over the control of Fire Brigade to the Police if they think it necessary.

(5) In part I Chapter 7 provisions have been made regarding the disposal of mad and stray dogs.....(Laughter) because the existing Regulation is incomplete on that account and the procedure for destroying mad dogs has also been laid down there.

(6) In the interests of public welfare the obtaining of proper license in case of those houses where people carry on dangerous and offensive trade has been clearly enjoined.

(7) Similar restrictions have been imposed on cinematographs and other dramatic performances.

These amendments have been proposed in the bill with a view to increasing the powers of the Committees. Necessary amendments have been made in the light of experience in the Chapter 'Supervision and Procedure'. And a new Chapter regarding enquiry into the Election of Committees has been added to it.

The procedure of the disposal of election-petitions has also been explained.

MAJOR GENERAL RAO BAHADUR THAKUR JANAK SINGH Ji : Has something also been done regarding Mock Processions ?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji : That concerns the Government. The sections of the Municipal Regulation relating to taxes have been separated and are included in part II of the bill. There is a marked difference between provisions of the proposed bill and the corresponding provision in the existing Regulation. The Committees at present are not entitled to deposit money on interests in Banks. In the new Regulation this defect has been removed. Besides, rules have been framed whereby the Government Departments can get back the immovable property belonging to the Committees. All those terms and rules as are applicable to the case of recovering property from a private individual will apply to this case also and no new duty has been imposed but proper rules have been laid down for taxation and the recovery of taxes. A period has been fixed for bringing objections in the interests of the persons concerned from whom customs duty has to be realized.

LALA HANS RAJ : Have Urdu copies of this bill been printed or not ?

SHEIKH ABDUL HAMID : You will receive them too.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): It is for this very reason that this bill is postponed. It is being translated. For the present there will be no further action on it. If you agree we can refer it to a Select Committee and by that time the Urdu printed copies will be available.

LALA RAM LAL : There is no help.

MR. M. A. BEG : Can this bill be considered in two parts ?

As stated by the Hon'ble Finance Minister, the bill appears to consist of two parts. Hon'ble Finance Minister has stated that the second part of the bill will be treated as a Money Bill. Will then the duties imposed by the Municipality be regarded as Public Revenue ?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I do'nt feel called upon to give my personal opinion in this matter. As the former President has given his ruling on this point, a second ruling cannot be given. The previous ruling will be considered decisive.

KHAWAJA GHULAM MOHAMMED SADIQ : If one President gives some ruling another can "over-rule" it.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : But when action has been taken on it, I think, it will be against the public interest to go back again.

MR. M. A. BEG : But, Sir, we want to establish convention and traditions. Will you, Sir, say whether it is a Money Bill or not ?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I think in this House this question was decided.

MR. M. A. BEG : It may have been decided in Council but not in this House.

SHEIKH MOHAMMED AMIN : No, it was never decided in this House.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : (Addressing Sheikh Mohammed Amin) When you submitted this bill, the President might have given his ruling.

SHEIKH MOHAMMED AMIN : He may have given his ruling in Council but not here.

THE HON'BLE MR. WAJAHAT HUSSAIN : It was not done on the floor of the House, Sir.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I see.

MR. M. A. BEG : Will the Hon'ble President be kind enough to give us permission for debate about the ruling ?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : What happened ? Was a private bill introduced ?

MR. M. A. BEG : I do not know whether the late President as a Member of the Council had decided it or in the capacity of President. But no reference was made in the House.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : What was the fate of the bill ?

THE HON'BLE MR. WAJAHAT HUSSAIN : A notice was given by Sheikh Mohammed Amin for permission being granted to introduce his Municipal Bill. As this was a Money Bill, the President decided that it should be separated into two parts.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :
And he amended his bill ?

THE HON'BLE MR. WAJAHAT HUSSAIN : Yes.

SHEIKH MOHAMMED AMIN : No.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :
I have got the order here. The order reads as:

(The Hon'ble President read out the order of the late President)

It related to a bill which was actually introduced by a member and a ruling was given on the point. I suppose this ought to be a binding on the House. In these circumstances, I do not think that I should go behind this order. If you want, I can give this very ruling in writing but I won't reconsider it.

MR. M. A. BEG : I want to know whether the Municipal taxes can be included in the term "public revenues" ?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :
I won't give any ruling on that point. The Hon'ble Finance Minister will now proceed with the bill. I place before you the motion of the Hon'ble Finance Minister that this bill be referred to a Select Committee. If you accept this motion then what remains is only the selection of members of the Select Committee.

LALA HANS RAJ : What is the motion ?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :
The motion is that the bill be referred to a Select Committee. Those members who are in favour may please raise hands.
(Hands were raised)

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :
Carried unanimously. Now we have to propose the names of the members on the Select Committee. (Addressing Hon'ble Finance Minister) You propose the names.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI :

1. Hon'ble Finance Minister (President).
2. Sheikh Mohammed Amin.
3. Kh. Ali Mohammed.
4. Pandit Ram Chandra Dobey.
5. L. Shiv Nath Nanda.
6. Pandit Amar Nath Kak.
7. Sheikh Abdul Hamid.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :
Kindly see that you propose names of gentlemen knowing English. Khawaja Ali Mohammed perhaps does not know English.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI :
Kh. Ali Mohammed has been working in the Municipality since a long time. Moreover it is not necessary to nominate English knowing members only as the bill is going to be translated.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.):
So the names proposed are:—

1. Sh. Mohammed Amin,
2. Kh. Ali Mohammed,
3. Pt. Ram Chandra Dobey,
4. L. Shiv Nath Nanda,
5. Pt. Amar Nath Kak,
6. Sh. Abdul Hamid and
7. The Hon'ble Finance Minister, President.

MIAN AHMED YAR : I propse in place of Kh. Ali Mohammed the name of Kh. Ghulam Mohammed Sadiq.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.):
Has any body any objection to it?

VOICES FROM ALL SIDES : No objection.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.):
(Addressing the Hon'ble Finance Minister) Please read out the names again.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji :

1. The Hon'ble Finance Minister, President,
2. Sh. Mohammed Amin,
3. Kh. Ghulam Mohammed Sadiq,
4. Pt. Ram Chandra Dobey,
5. L. Shiv Nath Nanda,
6. Pt. Amar Nath Kak and
7. Sh. Abdul Hamid.

MAJOR GENERAL RAO BAHADUR THAKUR JANAK SINGH Ji :
There is no Sikh on the Committee.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji :
Their population both in Jammu and Srinagar is insignificant.

LALA HANS RAJ : In place of L. Shiv Nath Nanda, the name of some Sikh gentleman may be proposed.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.):
(Addressing the House) Do the hon'ble members desire any change in those six names?

A VOICE : Lala Hans Raj has proposed an amendment.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.):
(Addressing S. Dhian Singh) Sardar Sahib! what do you want to say?

SARDAR DHIAN SINGH : Sardar Hari Singh's name should also be on the Select Committee.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.):
You propose the names, the total should be seven. The Hon'ble Finance Minister should be one and if in the remaining six names you want to make any change you can propose that. If the House has no objection then that name will be accepted.

SARDAR DHIAN SINGH : Lala Shiv Nath Nanda's name

may be replaced by that of Sardar Hari Singh.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Have the hon'ble members any objection to it?

LALA SHIV NATH NANDA: As L. Hans Raj is not at all acquainted with the rules of Municipality, therefore, I oppose his motion.

LALA HANS RAJ: I know everything, but in my opinion Mr. Nanda has to attend to many other things, therefore, it will not make any difference if in his place the name of Sardar Hari Singh is substituted.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Do you accept Sardar Hari Singh's name in place of Lala Shiv Nath Nanda?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji: I do not accept this proposal, kindly put it to vote.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): The hon'ble members! two names have been proposed namely that of Lala Shiv Nath Nanda and Sardar Hari Singh. Those who are in favour of L. Shiv Nath Nanda will please raise their hands.

SARDAR DHIAN SINGH: Sir, I want to make one submission.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Now there is no time.

PANDIT LOK NATH SHARMA: My submission is as the matter has become personal, therefore this should be decided by ballot.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): All right we decide this matter by ballot. Those members who are in favour of Lala Shiv Nath Nanda will write 'Yes' and those in favour of Sardar Hari Singh will write 'No'.

MAJOR GENERAL RAO BAHADUR THAKUR JANAK SINGH Ji: I think the better way is that each member should write Nanda or Hari Singh.

SARDAR KANHAYA SINGH: Hon'ble Finance Minister did not agree to the appointing of a Sikh on this Committee. He should have agreed to keep one Sikh on the Committee as none of our members can be successful if this matter is put to vote.

SARDAR DHIAN SINGH: My submission is be it a commission or a committee it is necessary that there be some Sikh element present there. If no Sikh will be taken in this committee we shall have to walk out. We certainly regret that the Government *i. e.* the Hon'ble Finance Minister did not agree to keep one Sikh member in this committee.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): The House shall decide this matter.

SARDAR KANHAYA SINGH: If Hon'ble the Finance Minister had agreed to it there would have been no need for voting.

SARDAR DHIAN SINGH : We three Sikh members walk out as a protest.

NOTE.—Sardar Hari Singh (Nominated), Sardar Kanhaya Singh (Elected), Sardar Dhian Singh (Elected) staged a walk-out.

PANDIT RAM CHANDRA DOBEY : As Sikh members have walked out we shall be neutral.

NOTE.—Votes were taken.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Twenty-seven members have voted for and seventeen members against. Therefore the name of Lala Shiv Nath Nanda will remain on the Committee.

So the Hon'ble Finance Minister will kindly read out again the names of the members of the Committee.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji:

Shiekh Mohammed Amin.

Khawaja Ghulam Mohammed Sadiq.

Pandit Ram Chandra Dobey.

Lala Shiv Nath Nanda.

Pandit Amar Nath Kak.

Sheikh Abdul Hamid.

PANDIT RAM CHANDRA DOBEY : I withdraw my name in favour of Sardar Hari Singh. (Cheers)

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): (Addressing the Finance Minister) Do you accept it?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji: Yes, Sir.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): No member has any objection to it.

VOICES: No objection.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): So the part 1st is referred to the Select Committee and if there is no objection the second part may be postponed. That is to say when part 1st is submitted by the Committee part 2nd will be taken up.

There is no other business today.

NOTE.—The House then adjourned till Monday the 26th April 1937.

THE
JAMMU AND KASHMIR PRAJA SABHA DEBATES
(Official Report)

VOLUME VI.

PART XII

(26th April 1937)

SIXTH SESSION
OF THE
FIRST J. & K. PRAJA SABHA.



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JAMMU AND KASHMIR PRAJA SABHA.

Monday the 26th April 1937.
14th Baisakh 1993.

The Praja Sabha met in the Praja Sabha Chambers, Ajaib-ghar, Jammu at Eleven of the clock, Mr. President (The Hon'ble Sir Lal Gopal Mukerji Kt.) in the chair.

QUESTIONS AND ANSWERS.

694. MIAN QURBAN AHMED (Kathua : Muslim) : (a) Will the Hon'ble Revenue Minister please state whether His Highness the Maharaja Bahadur has very graciously been pleased to grant the proprietary rights to the zamindars?

(b) If the answer to the above be in the affirmative, what are the reasons for depriving the zamindars of Chak Lachmipura, Tehsil and District Kathua from the enjoyment of proprietary rights?

(c) Are Government prepared to take their case into consideration and grant them proprietary rights? If not, why?

THE HON'BLE MR. K. N. KNOX (Revenue Minister) : (a) Yes, to occupancy tenants under the State.

(b) There was only one zamindar holding occupancy rights. Other zamindars were tenants-at-will and could not therefore claim the benefit of the boon.

(c) Does not arise.

695. MIAN QURBAN AHMED : (a) Is it a fact that even upto this day Begar is exacted from the "Faqirs" of Rajpura, Tehsil Jasmergarh?

(b) If the answer be in the affirmative, are Government prepared to relieve these poor people from this hardship? If not, why?

THE HON'BLE MR. K. N. KNOX (Revenue Minister) : (a) No.

(b) Does not arise.

696. MR. LAJPAT RAI (Jammu Wazarat : Hindu) : (a) Are Government aware that young married ladies with beautiful clothes on are busy in selling flowers in Jammu and are seen wandering in the bazars and the streets from early morning till ten or eleven o'clock in the night and that this leads to bad consequences?

(b) Do Government know that the existence of such a practice tempts the non-State-subject youths to come here whereby it encourages wandering and causes disgrace?

(c) Will Government take steps to stop this evil practice of wandering like this?

(d) If the answer to (a) be in the affirmative, what objection will there be if the males are asked to sell the flowers instead of females and the females may safely work in the gardens only?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) : (a) and (b) Government have no information.

(c) and (d) Do not arise. In any event there does not appear to be a case for any Government action.

697. MR. LAJPAT RAI : (a) Will Government please state whether the chastity of the females who on account of economic depression work as labourers in Jammu city under the control of other communities is marred?

(b) If the answer be in the affirmative, are the Government prepared to start such cottage industries which may fetch an income to Government and the poor female labourers may be protected against wandering and debauchery?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) : (a) No such complaint has been received by the Government so far.

(b) Does not arise.

698. MR. LAJPAT RAI : Will the Government please state whether the survivors of the Harijan who was killed by a tiger in the Rakh of Bahu, Tehsil Jammu were granted any compensation? If not, why? If it will be given, when and what amount?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) : No tiger exists in the Jammu Rakhs nor has any report about the killing of a Harijan by a tiger been received by the Department concerned. The second part of the question does not arise.

MR. LAJPAT RAI : Not cheeta (tiger) but cheetal. They are still found in this Rakh.

MAJOR GENERAL RAO BAHADUR THAKUR JANAK SINGH JI : Do you speak of cheetal or cheeta (tiger).

MR. LAJPAT RAI : Cheetal, Sir.

MAJOR GENERAL RAO BAHADUR THAKUR JANAK SINGH JI : But here it is cheeta (tiger). It has been translated as cheeta (tiger). Therefore the reply is not correct.

699. MR. LAJPAT RAI : (a) Are the Government aware that the touring officers do not follow their programmes strictly?

(b) If the answer be in the affirmative, are Government aware that the poor zamindars who are ordered to be present according to the programme are much inconvenienced by constantly waiting from morning till evening, for the arrival of the concerned officer,

who do not come there?

(c) Is it not the duty of the concerned officer to immediately inform the public about the change in the programme so that the public which is ordered to be present may be able to utilize its valuable time in household affairs and be thus saved from loss?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) : (a) The Government have no reason to believe that the touring officers do not, as a matter of rule, follow their tour programmes strictly.

(b) No such complaints have been received by the Government but having regard to the question put by the member, instructions are being issued again to the touring officers strictly to adhere to their programmes and in case of any change in their programme to notify the same to the parties concerned to save them from the inconvenience to which attention has been drawn.

(c) Does not arise.

700. MR. LAJPAT RAI : (a) Will Government please state when all the posts or vacancies from lowest to the highest are advertised in the Gazette, the officers concerned temporarily fill up the vacancies or make temporary appointments in the department before the sanction of the posts in the Budget and subsequently confirm the incumbent?

(b) Is it a fact that the candidates who keep waiting for the advertisements in the Gazette have to remain without chance of success?

(c) If the answer be in the affirmative, will the Government pay attention to every department so that the whole public may be benefited?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) : (a) The Government have no such information and if the member will quote instances enquiries will be made.

(b) and (c) Do not arise.

701. MIAN AHMED YAR (Muzaffarabad : Muslim) : Will Government please state reasons for extending the period of receiving notice of bills (which was originally 15 days) by effecting amendments in the original Rules of Business of the Praja Sabha and for laying down a proviso that the period of notice will be completed upto the commencement of the session?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) : The period for receiving notice of bills had to be extended in view of the practical difficulty in dealing with them. The non-official business passes through several stages, namely, in most cases translation, admission by the President, transmission to Hon'ble Ministers, collection, preparation and transmission of materials and their retranslation are necessary in the Praja Sabha

Secretariat. The State has an extensive area and means of communication from distant parts are deficient. Information has to be obtained often from distant places like Ladakh and Gilgit. The extension of time has worked well and is in the interest of the House as a whole, and the Government.

MIAN AHMED YAR : Information has to be obtained only in the case of questions but I want that information be supplied to me as regards bills.

LALA HAVELI RAM : This question pertains to the bills !

MIAN AHMED YAR : Point of order. It pertains to bills, Sir. Why then information regarding bills is not supplied.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : There is an amendment made in the rules with regard to all sorts of business.

MAJOR GENERAL RAO BAHADUR THAKUR JANAK SINGH Ji (Addressing Mian Ahmed Yar) : You have put in bills. You are referring to "bills". Has any information been supplied about questions?

MIAN AHMED YAR : My question is about non-official bills.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I will look into the matter.

702. MIAN AHMED YAR : Will the Hon'ble Revenue Minister please state as to how many rifles are there in the Government stores, and what objections the Government have in giving these rifles to the license holder in whose favour new licenses are issued?

(ii) Will Government please show its broad mindedness by issuing the licenses and providing the guns with necessary materials like fire-arms to the zamindars without any delay for protecting their life, property and crop?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) : (a) There is no Government store for rifles. The second part of the question does not therefore arise.

(b) Licenses are freely issued for possession or import of guns when a real necessity is established.

703. MIAN AHMED YAR : Will Government please state as to what objections they have in issuing license for selling fire-arms and gunpowder etc., in favour of intending traders at the principal towns in all districts as is done in Jammu and Srinagar?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) : No licenses for the sale of fire-arms are issued at present. Licenses for sale of ammunition are issued on the recommendation of the District Magistrates. The question of framing rules on the subject is however under consideration.

704. MIAN AHMED YAR : Will Government please state :---

(1) The number of Gazetted officers in Muzaffarabad and

the posts they are holding at present?

(2) Which of these Gazetted posts are such as have not been held by any Muslim during the last six years?

(3) What are those particular Gazetted posts which have been held by non-Muslims for the last 10 years?

(4) What salary is attached to each of these Gazetted posts?

(5) Which particular Gazetted post, out of these, is held by a Muslim and which one by a non-Muslim?

(6) Will Government, without any delay, make up the deficiency in the Muslim representation in Muzaffarabad District?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) :

(1), (4) and (5).—

One Wazir non-Muslim Rs. 300 to Rs. 360.

One Revenue Assistant Muslim Rs. 250 to Rs. 360.

One Tehsildar non-Muslim Rs. 150 to Rs. 225.

One Sub Judge non-Muslim Rs. 345.

One Assistant Surgeon non-Muslim Rs. 225-15-450.

One Assistant Superintendent Police Muslim Rs. 225-25-250.

One Assistant Engineer non-Muslim Rs. 300-20-500.

One D. F. O. non-Muslim Rs. 250 to 700.

One Assistant Conservator Forest Muslim Rs. 250 to 700.

One Assistant Inspector of Schools Hindu Rs. 188.

One Head Master High School Muslim Rs. 156.

Total eleven.

(2) All the above posts with the exception of the post of Sub-Judge and Divisional Forest Officer have been held by Muslims and non-Muslims by turns during the past six years.

(3) Divisional Forest Officer's post.

(6) Postings and transfers are made from time to time on administrative grounds. It is impossible to secure proportionate representation of every community in every District.

705. KHAWAJA ALI MOHAMMED (Fatehkadal. Tankipura Srinagar City : Muslim) : (a) Will the Hon'ble Revenue Minister please state whether the objections of the Wasidars who were granted Nazool land under the previous rules, were taken into consideration at the time when the ground rent of such areas was raised to ten times or more of that charged previously? If not, reasons may please be stated?

(b) Are Government now prepared to charge ground-rent from the Wasidars according to the previous rules?

COLONEL BALDEY SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : (a) Yes.

(b) In cases of past grants used for *bonafide* declared objects rent continues to be charged under the rules under which they were originally given.

706. KHAWAJA ALI MOHAMMED : Will the Hon'ble Revenue Minister please state :—

If the Wasidars to whom under previous rules and rates land has been granted are unable to pay Teh-i-Zamini according to the present rates, then are Government prepared to take back their lands after paying them reasonable compensation in accordance with the previous rules?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : Wasidars who are using land for the objects declared originally will continue to pay the old rates. Wasidars who have infringed the original terms are to pay revised rates. They can surrender lands on account of their inability to pay rent, but they will not be entitled to any compensation under rules. They will be free, however, to remove the structures on the land.

KHAWAJA ALI MOHAMMED : Will it be explained as to how have they infringed the original terms?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : The question has not been understood.

MAJOR GENERAL RAO BAHADUR THAKUR JANAK SINGH Ji : He asks as to how they infringe the terms?

PANDIT LOK NATH SHARMA (State Councilor) : Is it for residential or for some other purposes?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : Yes, for residential purposes.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Different rules were imposed on different occasions. You will be informed later on.

THE HON'BLE MR. K. N. KNOX (Revenue Minister) : One man takes it for one purpose and uses it for another. In some cases one man takes it for residence and afterwards uses it for business.

707. KHAWAJA ALI MOHAMMED : Will the Hon'ble Revenue Minister please state :—

(a) Whether the Government was justified both legally and morally in effecting amendments in the agreement made according to the previous rules between the Government and the Wasidars without the consultation of such Wasidars?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : Grants of land made in the past under the old rules continue to be governed by those rules. The Government can revise the rules at any time for grants to be made in future according as conditions require.

The latter part of the question does not arise.

PANDIT LOK NATH SHARMA : It has.....

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : It has been withdrawn.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It has not been withdrawn. I had rejected it because I did not understand what is Wasidaran. So we have not got it today. So I have rejected Q. D. Nos. 707 and 709.

THE HON'BLE MR. K. N. KNOX (Revenue Minister) : I have got answer to it, if you like I will read it out.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It has not been translated into Urdu. You can ask this to-morrow.

THE HON'BLE MR. K. N. KNOX (Revenue Minister) : I can explain it just now if you please.

708. KHAWAJA ALI MOHAMMED : Will the Hon'ble Revenue Minister please state :—

(a) When the Wasidars who have spent thousands of rupees on improvements in the Nazool area according to the previous rule and agreement?

(b) When they have raised the value of Nazool land;

(c) and when in these days of universal economic depression they are not prepared to pay ground-rent according to the new rules ;

(d) then, are Government under these circumstances, prepared to take back the land after paying the reasonable compensation to the Wasidars?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : The Praja Sabha Sad is referred to the reply to Q. D. No. 515. I have already replied to this in question No. 706.

709. KHAWAJA ALI MOHAMMED : Will the Hon'ble Revenue Minister please state whether it is not height of injustice to dispossess the Wasidars of their land by making over to the Nazool Department under the present rules in the event of the Wasidars' failing to pay the rent more than ten times originally due?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : The old rate of rent stood at Rs. 2 to Rs. 3 per kanal. The revised rate is Rs. 10 per kanal *i. e.* four times the old rate at an average.

No injustice is involved as the revised rate is to be charged in such cases only in which terms of the original grant have been infringed *i. e.* site obtained for residential purposes at a low rate has been used for shop or commercial purposes.

710. SARDAR DHIAN SINGH (Mirpur-Poonch ;Sikh) : (a) Is it a fact that in order to approve of the way of Dhal Mahmood for introducing foreign bond system, the Poonch system which is in vogue since 1912 between Gatalian and Sehra has been discontinued unexpectedly on account whereof the traders in general and travellers in particular have been put to great troubles?

(b) Has every body to pay Customs duty to the Mahaldar of Jammu at Gatalian and the Mahaldar of Poonch at Sehra?

If the answer to (a) and (b) be in the affirmative, does it not clearly mean that the Poonch subjects, against the law of commerce and the principles of trade, are made to pay double duty?

Will the Government please state as to what action has so far been taken on the letter of the Wazir in this behalf for removing this trouble and as to when will Government remove this general complaints?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : (a) Yes, so far as the first part goes. The travellers are put to trouble but not the traders as they bring their goods *via* Dal Mohmood.

(b) The persons travelling *via* Gutalian have to pay Customs duty both at Gutalian and Sehra. Yes, so far as the second part of the question goes. The matter is under consideration of His Highness' Government and is hoped to be decided shortly.

SARDAR DHIAN SINGH : It has been admitted by the Government that Customs duty is being charged at Sehra. I want to know what means are being adopted for importing the foreign goods *via* Dhal Mahmood? Was this only meant for bonded goods or for other goods also?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI (Finance Minister) : Had this been brought to the notice at that time it would have not happened so. It pertained to Illaqa Poonch and this was done on the application of the inhabitants of the Illaqa.

SARDAR DHIAN SINGH : Is any concession granted to them?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI (Finance Minister) : This is for Poonch administration to see to it. We have accepted whatever was recommended by them.

SARDAR DHIAN SINGH : Was this practice in vogue for the last twenty or twenty-five years?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI (Finance Minister) : These are new questions.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : If you cannot answer it, ask for notice.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI (Finance Minister) : This has been in vogue for a long time.

SARDAR DHIAN SINGH : This happened as a result of an agreement between His Highness the Maharaja Bahadur and the Raja Sahib.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : This is absolutely a new question.

SARDAR DHIAN SINGH : No. He says that the inconvenience felt by the people is due to the Government and what he says that

from 25 years the Government.....

(Interrupted by the Hon'ble President)

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You may move a resolution and discuss it. You cannot argue while asking questions.

SARDAR DHIAN SINGH : No sir ; it relates to the question.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You cannot do that and when I do not allow this, you may move a resolution.

711. HAJI AHMEDULLAH SHAHDAD (Tashawan Srinagar City : Muslim) : Will Government please state what is the hitch in opening a State telegraph office in the centre of the Srinagar city whereby the people of this place may have facilities?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : It will not be remunerative to open a State Telegraph office at Maharaj Gunj.

HAJI AHMEDULLAH SHAHDAD : How do you say that it will not be remunerative.

MIRZA M. A. BEG (Anantnag : Muslim) : (Repeats the same in English).

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : By the experience we have gained from other places.

MIRZA M. A. BEG : Do you have any consideration of public welfare or is it only a question of its being remunerative.

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : Considerations of public welfare are possible only when there are funds with the Government.

712. HAJI AHMEDULLAH SHAHDAD : Is the Hon'ble Home Minister prepared to place on the table of the House the following figures :—

(a) What is the number of Compulsory Education Schools in Kashmir Province?

(b) What has been the progress so far?

(c) How many Muslim boys are receiving education in these schools?

(d) Are Government prepared to open Compulsory Education Middle Schools? If the answer be in the affirmative, when, and if not, why?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : (a) 49 Primary Schools (40 Government and 9 Aided).

(b) Compulsory Primary Education was introduced in the Samvat year 1986 when the number of students was 1187 in Compulsory schools. Now it is 8900.

(c) 5340.

(d) The question whether secondary education should be made compulsory is very difficult. It requires thorough and

careful consideration and the Government does not therefore intend at present to make this education compulsory.

713. HAJI AHMEDULLAH SHAHDAD : Is it a fact :—

(a) That the responsibility of protecting Kuth and Forest lies upon the Forest Department and that in the event of any breach of the Forest Regulation, the Forest Department stands as a prosecutor?

(b) That the prosecutor has no right to act as Judge and is considered to be a party in the case?

If the answer to (a) and (b) be in the affirmative, it may be stated as to why the Divisional Forest Officer of Keran has been invested with Judicial powers to hear cases and award punishment under Forest Regulation?

Are Government prepared to transfer those powers to the Judicial officers? If not, why?

PANDIT RAM NATH SHARMA (On behalf of the Judicial Minister) : (a) The reply is in the affirmative. But the Forest Department does not prosecute the case. The case is prosecuted by a prosecutor on behalf of the Government.

(b) The trial magistrate is never the prosecutor of the case. Attention of the Member asking the question is drawn to Q. D. No. 216 of 14th October 1935. I will read out the Q. D. No. referred to in this reply, if desired.

MIAN AHMED YAR : Is this practice also in vogue in England that the officials who prosecute the cases on behalf of the department are invested with magisterial powers to deal with the same cases.

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Judicial Minister) : We are not aware of it.

MIRZA M. A. BEG : Is it a fact that the prosecutor in such a case is the official of the concerned department.

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Judicial Minister) : It is not necessary. Generally it is not the case.

MIRZA M. A. BEG : What do you mean by "generally".

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Judicial Minister) : The Court Inspector performs the duties of a prosecutor.

MIRZA M. A. BEG : Do the Court Inspectors act as prosecutors in all the departmental cases.

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Judicial Minister) : Of Course.

MIRZA M. A. BEG : Is the Hon'ble Judicial Minister aware of the fact that the people complain that justice is not done to them in those departmental cases which are tried by officers of the departments concerned?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Judi-

cial Minister) : The Hon'ble Chief Justice himself examines every case and takes notice if injustice is done to any body as I have already stated in reply to this question. It is surprising to find that in the cases tried by the officers of the departments the number of acquittals exceeds that of convictions.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : If specific instances are quoted, the Hon'ble Judicial Minister will look into the matter.

MIAN AHMED YAR : What happens in the Forest department is that the Divisional Forest Officer orders for the prosecution of a case and subsequently he himself hears the cases. In other words the complainant is the magistrate.

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Judicial Minister) : What you have stated is not fact.

MIRZA M. A. BEG : What are the reasons for prosecution?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Judicial Minister) : If a person acts against any provision of law he is prosecuted.

MIRZA M. A. BEG : Is it necessary to get permission for prosecution?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Judicial Minister) : Permission is not necessary.

MIRZA M. A. BEG : Is not the Divisional Forest Officer, as an official of the department, interested in the case?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Judicial Minister) : He has only a knowledge of the case. It does not amount to the fact that he is interested in the case. "Knowledge" and "interest" are two different things.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : (Addressing Mr. Beg)

I told you to give specific instances.

LALA HANS RAJ : When Magistrates try such a case, the superior officers inquire as to how many of the cases which have been tried by them were dismissed. Objections are raised by the superior officers if the number of the dismissed cases is large. Therefore they take great interest in this work.

NOTE.—Pandit Ram Nath Sharma read out the statement showing the number of acquittals and convictions.

MIRZA M. A. BEG : Does it not follow from it that totally baseless and false cases are challaned when the number of the cases which are dismissed is great.

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Judicial Minister) : There is no report to that effect.

714. HAJI AHMEDULLAH SHAHDAD : Will Government please place on the table of the House the following figures :—

As to how many public water taps have been installed by

the Government in Srinagar city in the year 1936 and how many of these are such which have been installed in places where pure water is not available and how many have been installed at places where there is dense population?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : Forty-two taps were installed in 1936 out of which 17 were installed at places where pure water was not available and 25 at places where the population is dense.

715. HAJI AHMEDULLAH SHAHDAD : Will the Hon'ble Revenue Minister please state :—

(a) The total extent of agricultural area that has been sold or auctioned since the grant of proprietary rights to the subjects?

(b) As to how many agricultural areas have been got auctioned in their favour by alienees and sale-deeds got registered and the alienees are Sahukars non-agricultural decree-holders and who have got managed all such decrees in satisfaction of their Sahukara debts?

(c) Have Government in spite of the fact that on different occasions through notifications, regulations, laws and passing of proposals considered over this matter so far that since the grant of proprietary rights to the subjects the Sahukars and capitalists have snatched from the owners and have become possessed of many areas in lieu of their Sahukara debts etc.?

(d) As to whether any effective measures have been adopted to check such transaction in future and to redress for what has already been done or whether Government intend to do so in future?

(e) As to whether they have taken effective steps by enforcing different laws and excluding money lending classes once for all from the list of agricultural classes and in order to protect the zamindars against this danger take effective steps in the coming session of the Praja Sabha to be held in March 1936, if not, why?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : (a) and (b). The requisite information covers a wide range and could not be collected within the time available.

(c) The Government have no knowledge.

(d) Yes. Under alienation of land Regulation Section 18, no land belonging at the moment to a member of an agricultural class shall, in execution of any decree or order of any Civil or Revenue Court, whether made before or after the commencement of this Regulation be sold to any person except a member of an agricultural class. Sales actually executed before the enactment of this Regulation are not affected by this law.

(e) 1st part.—Yes. Classes majority of whom depend upon professions (such as money-lending, trade etc.) other than agriculture have already been excluded from the category of agricul-

tural classes.

2nd part.—Does not arise.

716. HAJI AHMEDULLAH SHAHDAD : (a) Is it a fact that the Government accepted a resolution about the digging and repairing of Nullah Mar Srinagar in Jammu Session of Praja Sabha about two years back?

(b) That in last year's budget a sum of rupees fifteen hundred was provided for the survey of this Nullah and that in the Srinagar session in connection with question No. 433 Q. D. No. 599, it was stated that the survey of the Nullah has been completed and estimates are being prepared?

If the answer be in the affirmative, will Government please state whether the work of digging and repairing of this Nullah has been taken in hand or not? If not, why such a delay and inattention has been shown towards this?

NOTE.—The question was withdrawn by the Member.

717. HAJI AHMEDULLAH SHAHDAD : Will the Hon'ble Judicial Minister please state as to what good is there and whether it is at all desirable that the tonga drivers are not given an opportunity to defend themselves against the allegations brought against them in the court by the Police?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Judicial Minister) : In all Judicial trials the accused has a right to defend himself and freely state the defence. It is not correct that tonga drivers are not allowed to defend themselves. If any particular instance is cited the Judicial Minister will look into the matter.

718. HAJI AHMEDULLAH SHAHDAD : Will Government please state as to why electric charges of six annas per unit are charged here in spite of the fact that our expenditure on current (generating power) here is comparatively far less than that in India, that in accordance with the monthly charges of annas eleven per lamp, charges per unit should be two annas? Are Government prepared to pay immediate attention to this? If not, why?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : The expenditure on the generation of power in Kashmir is not lower in Kashmir. The question does not, therefore, arise. I regret I do not follow the calculation according to which it has been held that the charges for a bulb should be two annas per unit.

719. HAJI AHMEDULLAH SHAHDAD : Will Government please state whether the females of Shopyan town are undergoing great hardships for want of Zenana Hospital there and some times for want of a hospital there the patients have to come to Srinagar whereby they experience great difficulty? Are Government prepared to open a Zenana Hospital there? If so, when?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) :

[There is no Zenana Hospital at Shopyan. Four Dais are at present employed in Kashmir, and it is proposed to appoint eight more. It is not proposed to open any more Zenana Hospital at present.]

720. KHAWAJA AKBAR DAR (Awantipura : Muslim) : Will the Hon'ble Revenue Minister please state whether rebate of land-revenue for the agricultural areas which were washed away by the floods of 1928 and were thus rendered unfit for cultivation has been made? Whether any file regarding the washing away of land by this heavy flood is pending decision by the Revenue Department? Details please be given?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : A sum of Rs. 161/4/3 has been remitted by the Government on account of Panimar in 17 villages of Tehsil Pulwama. Suspension of revenue has been granted to 6 villages of Tehsil Anantnag and action is being taken on diluvion files prepared for 21 villages of Tehsil Kulgam and suspension of revenue of one village in Tehsil Srinagar.

Diluvion files for Karnah are under the consideration of Governor Kashmir. No land assessed to revenue was washed away in the Uri and Muzaffarabad Tehsil and no remission file is pending in the Baramulla District.

721. PEER HISAM DIN (Poonch : Muslim) : (a) Is it a fact that under the recent demarcation in Poonch, Haq Assami areas of the zamindars in many villages have been included within the boundaries of the demarcated forests?

(b) If the answer be in the affirmative, are the Government prepared to exclude such areas from the boundaries of the demarcated forests? If not, why?

WAZIR FEROZ CHAND (Wazir : Poonch) : (a) Haq Assami areas have been included within the Forest line only in cases where the zamindars agreed and were willing to accept compensation therefor.

(b) In view of (a) above, the question does not arise.

PEER HISAM DIN : If any such areas have been included within the boundaries of the demarcated forests without the consent of the zamindars, can these areas be excluded from the demarcated forests without permission.

SUBEDAR KHAN MOHAMMED KHAN (Bagh Sudhunuti, Poonch, Muslim) : Can the Khalsa areas which have been included in the areas of demarcated forests be excluded from the above with the consent of the zamindars?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : This is a new question, and does not follow from the main question.

722. PEER HISAM DIN : (a) Are Poonch Government aware

that the public are becoming greatly distressed owing to economic depression and that if in view of the increasing unrest and general discontentment no arrangements are made at an early date, it will lead to serious consequences?

(b) If the answer to part (a) be in the affirmative, are Government prepared to appoint commission in this behalf which after enquiry and consideration may propose suitable measures to check this general unemployment?

(c) If the answer to part (a) be in the negative, will the Government please state as to what means have been adopted by the Poonch Government in order to inquire into the economic conditions of the Illaqa?

WAZIR FEROZ CHAND (Wazir : Poonch) : (a) The Administration is not aware of any such particular distress or of any unrest and general discontentment.

(b) and (c) His Highness' Government has already appointed a Commission to go through this question. As soon as the report of the Commission is out, every effort shall be made by the Administration to take advantage of its conclusions.

LALA RAM LAL (Poonch : Hindu) : Will the Commission referred to in the question visit Poonch also for enquiries?

WAZIR FEROZ CHAND (Wazir : Poonch) : The Commission will not visit that place. The principle adopted here will be followed there also.

LALA RAM LAL : How will the evidence regarding Poonch be recorded and how will an enquiry be made about the conditions of the place?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You are cross-questioning. The reply to your question has already been given.

723. PEER HISAM DIN : (a) Will Government please state as to what is the rate of compensation of the trees which is allowed in connection with the Nautor of the Shikargahs which have been thrown open, 2/3rd part of which has been reserved for the zamindars?

(b) If the answer to part (a) be this that the orders have been issued to charge compensation according to the standard rates, is it not so that the standard rates being more, it becomes impossible for the zamindars to reclaim lands from such Shikargahs?

(c) Are Poonch Government prepared to cancel the present standard rates in connection with the Nautor and restore the previous rates of the compensation for the trees? If not, why?

WAZIR FEROZ CHAND (Wazir : Poonch) : (a) Standard rate is charged.

(b) No. It is not a fact.

(c) No, because this is the rate charged for trees standing on

Khalsa lands and is based on the rule in force in the State.

724. PEER HISAM DIN : (a) Is it a fact that the number of the cases has increased owing to the fact that police stations at Kahota and Shohran have been brought under reduction?

(b) If the answer to (a) be in the affirmative, will Government establish police stations there as before?

WAZIR FERROZ CHAND (Wazir :Poonch) : (a) Kahuta and Sohnan Police Stations have not been brought under reduction but reduced to Chowkies. No increase in crimes has been noticed since then.

(b) The question does not arise.

725. PEER HISAM DIN : Will Poonch Government while replying my question No. 7 part (d) Q. D. No. 643 (d) consider the fact that when in the question No. 7 part (d) it has been enquired as to what are the separate figures of population of Dooms and Chamars in Poonch and what are the separate figures of land-revenue paid yearly by each of them. By the word "Poonch" is meant only the Tehsil of Haveli, Mendhar, Sadhnuti and Bagh and that no information has been sought as regards the villages Karlop, Kuthar and Raipore?

WAZIR FERROZ CHAND (Wazir :Poonch) : This is not a separate question by itself. It is related to Q. D. No. 643 and defines the tracts in respect of which the information asked for under (d) of Q. D. No. 643 is required. This was duly borne in mind when replying Q. D. No. 643 on 21st April 1937.

726. SHEIKH MOHAMMED AMIN (Jammu City :Muslim) : Is it a fact that almost all those employees of the State who are retired from service have to wait for a long time to get their pension cases completed and in certain cases these people are not paid pensions for years together? Will the Government please, in view of the fact that the employees who are retired from Government service have to wait long to get their pension cases completed and that they do not get their pensions for years together, make such arrangements that pension case of such employee who is about to be retired is completed at the time of his retirement so that he may just after his retirement be able to provide for his livelihood and may not have to wander from door to door for years together in the later days of his life?

If the answer to the above question be in the affirmative, will it please be stated as to when such orders will be issued?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI (Finance Minister) : The attention of the Praja Sabha Sad is invited to Revised Article 292-A Kashmir Service Regulations, sanctioned in March 1934 under which grant of Anticipatory Pension pending completion of the pension cases has been sanctioned to prevent hardship. The settlement of such provisional payments has to be

made so as to admit of disbursement not later than 3 months after the officer has ceased to hold his post.

(b) Does not arise.

SHEIKH MOHAMMED AMIN : My question is, whether the Government will pay attention to the fact that the pension case of an official should be completed as soon as he is retired. Generally the pension cases are not completed for several years.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI (Finance Minister) : It is upto the official. He should get his case completed beforehand. The Government do not prepare cases by themselves.

SHEIKH MOHAMMED AMIN : This is not my question. I ask that a pension case of an official should be "settled" as soon as he retires.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI (Finance Minister) : The Government will try that such case may be disposed off as early as possible.

727. SHEIKH MOHAMMED AMIN : (a) Is it a fact that Mst. Sardar daughter of Mst. Hakim resident of Mohalla Darugaran Jammu was murdered last year in the month of Baisakh or Jeth?

(b) If the answer to the above be in the affirmative, will Hon'ble Home Minister please state whether the police have traced the facts of this murder case? If not, can it not be inferred then that the police do not take interest as they ought to do in the matters pertaining to poor people?

(c) Will the Hon'ble Home Minister please issue orders to the police for tracing out of the case?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home : Minister) : (a) Yes.

(b) and (c) The case remained untraced, as no clue was found of the offenders. A man stated to know something in the matter is missing since the occurrence. Efforts, however, continue to find out his whereabouts.

728. SHEIKH MOHAMMED AMIN : (a) Will Hon'ble Judicial Minister please state for the information of the House whether the Hon'ble Judges of the High Court have inspected the subordinate courts during the last two years and if so, how many times?

(b) If the answer to the above question be in the negative, it may please be stated what are the reasons for not doing so and it may also be stated whether the same practice will continue in future also, or whether inspection will be made?

PANDIT RAM NATH SHARMA (Judicial Secretary, on behalf of the Hon'ble Judicial Minister) : (a) Every subordinate court is inspected at least once a year by a Judge of the High Court. There have been regular inspections of courts during the last two

years.

(b) In view of reply to (a), (b) does not arise.

SHEIKH MOHAMMED AMIN : Sir, it has not been stated whether or not the Judges of High Court have inspected the subordinate courts during the past two years.

PANDIT RAM NATH SHARMA : The courts are inspected once a year and twice in two years.

PANDIT LOK NATH SHARMA : Are the courts of Jammu included in these courts.

PANDIT RAM NATH SHARMA : All courts are included therein.

MR. M. A. BEG : Is court of Divisional Forest Officer included in these "Courts"?

PANDIT RAM NATH SHARMA : This is a new question. An enquiry will be made therefor.

MR. M. A. BEG : Is the Divisional Forest Officer's Court included in these Courts.

PANDIT RAM NATH SHARMA : The information is not available. Enquiry will be made and the member will be informed.

729. SHEIKH MOHAMMED AMIN :—

(a) Is it a fact that the copying fee has almost been doubled now?

(b) If the answer be in the affirmative, will Hon'ble Judicial Minister please state as to why copying fee has been increased so much when there are other kinds of taxes to be paid?

(c) Will Government kindly consider over the question of reducing this fee?

PANDIT RAM NATH SHARMA (Judicial Secretary) : (a) The question is vague. It is not a fact that the copying fee has been doubled. In the year 1989 the copying fee rules were revised and a proper scale was fixed. In certain cases for example in the case of Judgments of the courts of small causes the minimum fee chargeable was reduced from -/8/- to -/6/-. Similarly for the grant of copies of the decree sheets the fee was reduced from -/8/- to -/6/-.

In view of reply to (a), (b) and (c) do not arise.

SHEIKH MOHAMMED AMIN : Is not double fee charged for the English Copy?

PANDIT RAM NATH SHARMA : It was not your question. Your question was of general nature. (Read out the question). No distinction is made, both in Urdu and English copies.

SHEIKH MOHAMMED AMIN : You have said that the fee has been reduced in the Small Causes Courts.

PANDIT RAM NATH SHARMA : A proper scale has been fixed. In certain cases the rate of fee is low while in others it is high. But to say that the fee has been doubled is not correct.

SHEIKH MOHAMMED AMIN : Has the fee for the English copy

been doubled?

PANDIT RAM NATH SHARMA : The rate of fee is in some cases low and in some cases high.

SHEIKH MOHAMMED AMIN : Will these cases in which the fee has been raised be considered.

PANDIT RAM NATH SHARMA : A scale has been fixed. Without changing the whole scale one part of it cannot be changed.

PANDIT LOK NATH SHARMA : Is it a fact that the fee on decree has been raised from annas six to Rs. 1/4/-?

PANDIT RAM NATH SHARMA : If it has been raised enquiry will be made and the reply will be given. A scale has been fixed and a part of it cannot be changed.

730. LALA LAJPAT RAI (Jammu Wazarat : Hindu) : (a) Will Government please state why the Harijan community is deprived of its rights when the proportion of representation is fixed for Hindus, Muslims and Sikhs in the Government service?

(b) If the answer to (a) be in the affirmative, how many Harijan students have been recruited in the different departments of the Government keeping in view the Harijan population of the State?

(c) Will Government please place such detailed statement on the table of the House?

LALA HAVELI RAM (General Secretary, on behalf of the Hon'ble Prime Minister) : (a) No definite proportion has been fixed for any community. The claims of members of the Harijan community as of every other community have received and will continue to receive due consideration.

(b) and (c) Attention of the member is drawn to question No. 314 which was answered on 19th March 1936.

LALA LAJPAT RAI : The reply to part (b) and (c) of my question may please be read out.

NOTE.—Lala Haveli Ram (General Secretary) read out the reference from the proceedings of the last Srinagar Session.

MR. JAGAT RAM ARYAN : Sir, how many of them are permanent and how many temporary?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home : Minister) : Sir, this is the reply to a question asked on the last Session. It has only been referred to in this reply.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : But for that the information is to be supplied.

THE HON'BLE MR. WAJAHAT HUSSAIN (Home : Minister) : But all information cannot be supplied just now.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Then you ask for notice.

THE HON'BLE MR. WAJAHAT HUSSAIN (Home : Minister) : Yes Sir, notice is required.

LALA HAVELI RAM (General :Secretary) : Sir, I require notice.

WAZIR GANGA RAM : Will Government please state how many Harijans were taken in service during the last five years? Will Government also state in what Departments and on what posts they were appointed?

Information asked for is given in the statement which has been placed on the table of the Praja Sabha.

Statement showing strength of Harijans in Government service.

FINANCE DEPARTMENT.

Customs Department, Jammu	... Guard	1
Jammu Municipality	... { Chowkidar	1
	... { Kamas	8
(in addition there are 35 Mashkis in the Conservancy Department but they are not whole-time servants.)		
Jammu Treasury	... Clerk	1

HOME DEPARTMENT.

Public Works Department	... Peon	1
Jails Department	... Warders	4
Education Department	... { Teachers	6
	... { Menial	1
Police Department	... { Foot Constables	13
	... { Syces	4

REVENUE DEPARTMENT.

	Wazifakhars	2
Agriculture Department	... Gardeners	4
	... { Kamas	5
	... { Khalasi	1
Sericulture Department	... { Time Keeper	1
	... { Bahishti	1
	... { Forest guard	1
	... { Kuth Watchers and Rest House	
Forest Department	... { Chowkidars	6
	... { Forester	1
	... { Clerk	1

JUDICIAL DEPARTMENT

Clerk 1

731. MIAN QURBAN AHMED (Kathua :Muslim) : (a) Will the Hon'ble Prime Minister please state as to whether the Commissions or the Committees set up to inquire into the validity of the State-subject certificates were appointed in accordance with the orders of the Council, under what rules and authority were the powers conferred and rules of procedure framed for the purpose without the concurrence of the Praja Sabha and under what authority did the Government deprive the people of the right of appeal or revision which every one is legally entitled to?

(b) If the Government had no such powers in accordance with the constitution, it may please be stated as to how the Government can remedy this serious irregularity?

(c) Are Government aware that for revision or appeal against every judgment, a period of limitation has been fixed according to law?

LALA HAVELI RAM (General Secretary) : (a) 1. Yes, by Council.

(a) 2. The Government could confer powers on their officers to issue these certificates ; they could also appoint these Committees and prescribing their procedure the Government were acting within their authority and the concurrence of the Praja Sabha was not legally necessary.

(b) Does not arise.

(c) If any law gives the right of appeal it generally prescribes a period within which the appeal may be brought.

MIAN QURBAN AHMED : Do Government have the power to enforce any law without the concurrence of the Praja Sabha?

LALA HAVELI RAM (General Secretary) : No.

MIAN QURBAN AHMED : Then how was this done.

LALA HAVELI RAM (General Secretary) : It was not law.

732. MIAN QURBAN AHMED : (a) Is the Hon'ble Prime Minister aware that most of the judgments relating to cases of State-subject certificates which have been dealt with by the State-subject Enquiry Committee are totally wrong and the cases have been knowingly or unknowingly decided contrary to law and facts?

(b) If the answer to part (a) be in the affirmative it may please be stated as to what steps the Government are taking to remedy this serious defect and to recompense this gross injustice? If they are doing nothing why not?

LALA HAVELI RAM (General Secretary) : (a) No.

(b) Does not arise.

MIAN QURBAN AHMED : Were such applications received by the Hon'ble Prime Minister?

LALA HAVELI RAM (General Secretary) : Applications were received. It was stated that the Government had not entertained any appeal against the decisions.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The question involved so many assumptions ; how can you expect a definite and direct answer. If you split up the question into different parts, probably the answer will have been more satisfactory.

733. CHOUDHARI ABDULLA KHAN (Jammu Wazarat : Muslim) : (a) Is it a fact that in the State in connection with the debts the Sahukars are entitled to get debtor belonging to agricultural classes imprisoned and subjected to every kind of disgrace as against the procedure in vogue in British territories where such a vicious practice is forbidden?

(b) Will Government please state on what principles of justice do the Government allow such opposed practice which is detrimental to the interests of the zamindars and also discouraging?

(c) Are Government prepared to treat the zamindars of the State as they are treated in British India? If not, why?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Judicial Minister) : (a), (b) and (c) A debtor is liable to detention in civil prison for the non-payment of a decretal amount both here and in British India.

Since the promulgation of Acts 7 and 21 of 1934 and 1936 respectively, it has been made obligatory on the courts to hear the judgment debtors in response to a notice of arrest issued by the Courts. A debtor is sent to prison only when he has the means to pay up and does not pay. Detention is never by way of punishment for inability to pay.

CHOUDHARI ABDULLA KHAN : Will the Government issue orders under order No. 21 Rule 40 C. P. C. to place the onus of proving malafide on the decree holder?

PANDIT RAM NATH SHARMA (Judicial Secretary) : I have not heard him, Sir.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : He says that the burden of proof that a man is able to pay must be placed on the decree holder. How can that be done. The reply should be in the negative.

VOICES : Say "No".

MIAN AHMED YAR : Sir, the member means to say that order No. 21 Rule 40 C. P. C. which provides that the burden of proof should lie on the decree holder is not being followed by the Courts.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Is it?

MIAN AHMED YAR : Yes, Sir.

734. LALA HANS RAJ (Jammu Wazarat : Hindu) : (a) Does it not injure the feelings of the people belonging to the different communities, if questions of communal nature are asked in the

Praja Sabha?

(b) If the answer to (a) be in the affirmative, will Government stop the asking of such questions in future?

LALA HAVELI RAM (General Secretary) : (a) This is a matter of opinion.

(b) Members are free to ask any questions subject to the restrictions imposed by Regulation No. 1 of 1991 and the rules and standing orders framed under it.

735. SHEIKH MOHAMMED AMIN : (a) Is it a fact that almost three hundred years ago justice-loving Raja Brahmdev of Jammu in order to win the sympathy of his Muslim subjects and for the performance of religious functions by Muslims got constructed a Juma Masjid as Royal monument at Mohalla Mastgarh, the central place in Jammu, on State expenses, and the Mohammedans have been performing the religious functions there and the Muslim subjects have ever been in debt to that Raja for his generous act?

(b) Whether it is a fact that subsequently this Juma Masjid for certain unknown reasons passed into the possession of the Government of the time and for long continued to remain so with the result that no attention was paid to the necessary upkeep of this mosque?

(c) Is it also a fact that in the year 1949 the late Shri Maharaja Partap Singhji, as a Royal favour towards the Muslim subjects, restored it, and subsequently in the year 1989, Shri Maharaj Bahadur, showing benevolence by his generous acts, restored the area of the building and khatas attached thereto. On account of the mosque being in the possession of the Government of the time and its being used as Magazine (Military Store House), the condition of the mosque has become wretched for the repairs of which His Highness the Maharaja Bahadur, as a Royal favour, granted thirteen hundred rupees during the last two years, but this sum could not be found sufficient for repairing this mosque in view of the fact that for improving the wretched condition of the mosque it necessitated an expenditure of thousands. Will Government please grant further sum for the repairing of this Shahi mosque in view of its being an ancient monument relating back to the times of the ancient Rajas of Jammu?

COLONEL BALDEV SINGH PATHANIA (Governor : Jammu) : (On behalf of the Hon'ble Revenue Minister) : (a) The Government has no definite information of this nature.

(b) Yes, this building was for sometimes in the possession of Government.

(c) The attention of the Member is drawn to letter No. 50 dated 23rd May 1932 from the General Secretary Anjuman-i-Islamia, Jammu, to the P. W. Minister forwarding in estimate of

Rs. 1,300 for restoration of the Mastgarh mosque. This amount has been paid. It is regretted His Highness' Government is unable to make any further grant for this purpose.

SHEIKH MOHAMMED AMIN : The amount in question was demanded for the repairs of Khattas. I enquire as to whether any more amount will be granted by the Government for the repairs of the Shahi mosque?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The answer is that the amount was meant for the restoration of Mastgarh mosque. Yours is a statement which is not admitted by the other side. Your question was about the mosque and the reply given is also about the mosque.

SHEIKH MOHAMMED AMIN (Pointing to the Government benches) : No reply has been given by them. My question is as to whether the Government will grant more sum for the repairs of mosque, since it had been in their possession.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Answer has been given in negative. It is regretted His Highness' Government is unable to make any further grant for this purpose.

SHEIKH MOHAMMED AMIN : Will Government consider this matter if any other application is submitted?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : That question cannot arise.

SHEIKH MOHAMMED AMIN : When will this be decided?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : The matter is under consideration and we cannot say when it will be decided.

736. SHEIKH MOHAMMED AMIN : (a) Will Hon'ble Home Minister please state whether in the beginning of the year 1988 fresh rules were framed for the starting of Maktab and Pathshalas and that these rules do not apply to the Maktab and the Pathshalas already established before such rules were framed?

(b) If the answer to the above be in the affirmative, will it please be stated as to why the allowance of the old Maktab of Mohalla Julahka was stopped from 1st Sawan 1988 without any reason and remained stopped upto 17th Phagon 1988 and uptil now, in spite of the repeated requests it has not been paid?

(c) Is it a fact that similarly the allowance of the Maktab of Nowabad, Layana, Pathshala Katra etc. was stopped in year 1988 and the balance paid in July 1932?

(d) If the answer to part (c) be in the affirmative, it may please be stated as to why the allowance of the Maktab of Mohalla Julahka for seven months and 17 days remains unpaid uptil now?

Will Hon'ble Home Minister please issue orders for the payment of the outstanding allowance at an early date?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : (a) Yes, in the year 1987. These rules apply to old Maktab and Pathshalas also except note (b) to Rule V which runs as under :—

“Maktab and Pathshala grants be allowed to institutions in village where there is no public or aided school within two miles radius”.

(b) The allowance of Jolahka Mohalla Maktab was stopped from 1st Sawan 1988 because it was reported that it had not been run on proper lines. It was released from the 17th Phagan 1988 on receipt of a satisfactory report.

(c) Yes.

(d) The matter is under consideration.

737. SHEIKH MOHAMMED AMIN : Will Hon'ble Judicial Minister please state as to what is the present total number of the Sub Judges in the State? How many of them are Muslim and what pays do they get and how many of them are Non-Muslims and what pays do they get?

(b) If there be a paucity of Muslim element, will Government please state as to why this deficiency has not been made good so far although several vacancies occurred?

(c) Will Government remove the deficiency of Muslim element in future?

PANDIT RAM NATH SHARMA (On behalf of the Hon'ble Judicial Minister) : (a) The total number of Sub Judges at present is 14. Out of this number 4 are Muslims and 10 are non-Muslims. The annual salary of non-Muslims is Rs. 74,760 and that of Muslims is 20,820.

(b) and (c) The Government are trying its best to remove the paucity of Muslim Officers in the Judicial service. There is no direct recruitment of Sub Judges as a rule. Sub Judges are taken from among the Munsiffs and every possible attempt is being made to increase the number of Mohammedan Munsiffs.

738. SHEIKH MOHAMMED AMIN : Will Government please place the following figures on the table of the House for its information :—

(a) What is the total number of the Departmental Heads in the State at present?

(b) How many of them are Muslims and what pays do they get? How many of them are non-Muslims and what pays do they get?

(c) How many such vacancies occurred after the recommendations of the Glancy Commission and how many Muslims and how many non-Muslims have been appointed to these posts?

(d) Will Government remove this deficiency of Muslims at an early date?

LALA HAVELI RAM (General Secretary, on behalf of the

Hon'ble Prime Minister) : (a) 43.
 (b) There are 10 Muslims, 26 Hindus, one Sikh and 6 Europeans and the pay drawn by them is shown in the statement placed on the table of the member.

List of Muslim Heads of Departments.

CENTRAL HEADS OF DEPARTMENTS.

Serial No.	Name of the Post.	Pay per mensem.
		Rs.
1.	Hon'ble Chief Justice	2,100
2.	Director of Education	1,200
3.	Registrar Co-operative Department	600

PROVINCIAL HEADS OF DEPARTMENTS.

4.	Governor Kashmir.	1,250
5.	Senior Superintendent Police, Srinagar	500
6.	Inspector of Schools Jammu	450
7.	Special Inspector for Muslsm, Education.	250
8.	Deputy Registrar Co-operative, Jammu	300
9.	Sessions Judge, Srinagar	800
10.	Income Tax Officer, Jammu	220

List of Non-Muslim Heads of Departments.

CENTRAL HEADS OF DEPARTMENTS.

Serial No.	Name of the Post.	Pay per mensem.
		Rs.
1.	Director of Land Records (Sikh) ...	800
2.	Director of Agriculture and Horticulture (Hindu).	420
3.	Superintendent Veterinary (Hindu) ...	330
4.	Director of Food Control (European) ...	1,500
5.	Deputy Director of Industries (Hindu) ...	600
6.	Chief Conservator of Forests (European) ...	2,000
7.	Chief Engineer Public Works Department (Hindu)	1,400
8.	Chief Engineer Electrical and Mechanical Department (Hindu) ...	1,300
9.	Inspector General of Police (European) ...	1,331
10.	Director of Medical Services (European) ...	2,000
11.	Superintendent Research (Hindu) ...	300
12.	Chief Inspectress Girls Schools (European) ...	550
13.	Accountant General (Hindu) ...	2,000
14.	General Treasurer (Hindu) ...	700
15.	Inspector General Customs and Excise (Hindu) ...	1,200

PROVINCIAL HEADS OF DEPARTMENT.

16.	Governor of Jammu (Hindu) ...	1,000
17.	Director Visitors Bureau (Hindu) ...	500
18.	Senior Superintendent of Police, Jammu (Hindu).	800
19.	Senio Superintendent of Police (Hindu) C. I. D.	500
20.	Conservator of Forests, Srinagar (Hindu) ...	900
21.	Conservator of Forests, Jammu " ...	900
22.	Chief Medical Officer, Srinagar " ...	750
23.	Chief Medical Officer, Jammu " ...	750
24.	Inspector of School, Srinagar " ...	300
25.	Inspectress of Schools, Srinagar (Christian) ...	150
26.	Inspectress of Schools, Jammu (Hindu) ...	163
27.	Dy. Registrar Cooperative, Srinagar (Hindu) ...	300
28.	Inspector of Customs and Excise, Jammu (Hindu).	550
29.	Inspector of Customs and Excise, Srinagar " ...	550
30.	Sessions Judge, Jammu " ...	800
31.	Income Tax Officer, Srinagar " ...	220
32.	Director of Sericulture, Jammu " ...	700
33.	Director of Sericulture, Srinagar (European) ...	800

(c) There were 32 vacancies, out of which 8 were given to Muslims and 24 to non-Muslims including Hindus Europeans Sikhs and others.

(d) The Government are doing their best to remove communal inequalities as far as possible.

SHEIKH MOHAMMED AMIN : I beg to submit Sir, that it has been stated that efforts will be made to remove Communal disparity and yet when 32 posts fell vacant after the Recommendations of the Glancy Commission eight posts were given to Muslims and the other 24 were filled by non-Muslims. I fail to understand how the deficiency in the representation in Government Services can be made up, if the Government proceed like this.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER (Prime Minister) : Sir, all that I can say from what I have gathered since my arrival here, is that the Government have done their best to give effect to the recommendations of the Glancy Commission without being unjust to people who are already in service. That I think has been the policy.

SHEIKH MOHAMMED AMIN : What I ask is as to whether the representation of the Muslims in services can be made up under the existing state of affairs?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You have not heard the reply. The Hon'ble Prime Minister has said that the promotions have been given to those people who have already been in service and therefore it has not been possible.....

SHEIKH MOHAMMED AMIN : Have the appointments by promotions been made with the object that Muslims may not get higher posts?

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGER (Prime Minister) : All that I can say, Sir is that the Government will make every efforts to redress it as quickly as possible. But it is impossible to ask the Government to do injustice to such other claims as are just.

SHEIKH MOHAMMED AMIN (Addressing Lala Haveli Ram) : Will you please read out the list?

LALA HAVELI RAM (General Secretary, on behalf of the Hon'ble Prime Minister) : This list consists of three pages, and it has been placed on your table.

739. MIAN AHMED YAR (Muzaffarabad : Muslim) : Will the Hon'ble Prime Minister please state as to why inspite of giving an assurance to the deputation of the Jammu and Kashmir Muslim Conference consisting of Mr. S. M. Abdulla, Mr. Choudhari Ghulam Abbass Khan and Mian Ahmed Yar that by putting the Revenue-Judicial scheme into force the deficiency in the representation of the Muslims of Jammu and Kashmir State in the Government services will be made up, has such a scheme been held in

abeyance up to the present day?

LALA HAVELI RAM (General Secretary, on behalf of the Hon'ble Prime Minister) : The primary consideration in the Revenue-Judicial scheme never took any final shape as at the time the finances of the State could not bear the expenditure the scheme involved.

740. KHAWAJA ALI MOHAMMED (Fatehkadal, Tenkipura Srinagar City : Muslim) : (a) Will Government please state the number of employees in the Police Department, Medical Department, Revenue Department, Forest Department, in Rakhs, Middle Schools, and Primary Schools in Tehsil Pulwama? How many of them are Muslims and how many non-Muslims?

(b) If there is paucity in the representation of the Muslims, are Government prepared to take some immediate steps for increasing the proportion of the Muslims? If not, why?

LALA HAVELI RAM (General Secretary, on behalf of the Hon'ble Prime Minister) :

(a)		Muslims.	Non-Muslims.
Police	...	16	18
Medical	...	2	7
Revenue		14	98
Forest	...	6	8
Primary and Middle Schools		40	34

(b) The Government are trying to redress communal inequalities as far as possible.

MR. M. A. BEG : Has the present Hon'ble Prime Minister considered what action has been taken to remove the deficiency of the Muslims in this respect after the Glancy Commission?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : That does not arise. You have got a definite answer that attempt is being made.

741. KHAWAJA ALI MOHAMMED : (a) Is it a fact that in order to give an impetus to trade, commercial education is necessary?

(b) Is it also a fact that development of trade is a means for solving the problem of employment?

(c) If the reply to the above be in the affirmative, are Government prepared to start commercial education? If not, why?

LALA HAVELI RAM (General Secretary, on behalf of the Hon'ble Prime Minister) : (a) If commercial education means teaching of Short-hand, Type-writing, Book-keeping etc., then these subjects cannot give an impetus to trade. However in trade offices educated persons can work as clerks, Accountants etc.

(b) and (c) Do not arise.

742. KHAWAJA ALI MOHAMMED : Will the Government please state as to :—

(a) Whether Sonawar, Bonam Sar, and Malapora are included in the Srinagar Municipal Limits in the Cantonment area?

(b) Why have these Mohallas been placed under the control of Municipal Committee, Cantonment and Revenue Departments?

(c) The Cantonment authorities do not permit them to make any repairs or construct any building, and they are punished according to Military Laws, the Municipal Committee files suits against them for having infringed the rules and the Revenue Department taking these Mohallas to be villages, is realising Chowkidari and Lambardari funds from them?

(d) Are Government prepared to relieve them from the control of these three Departments and to place them under one Department? If not, why?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) : (a) At present parts of these localities are included within Municipal Limits and the other parts within Cantonment Limits.

(b) and (c) The Municipality does not exercise authority within the parts which are included in Cantonment Limits. It is looking after their conservancy arrangements temporarily but is not enforcing its building bye-laws within these areas. The jurisdictions do not, therefore, actually overlap. The Revenue Department is also collecting the Chowkidari and Lambardari cesses in these areas because these were assessed at the Settlement and have not been remitted.

(d) The matter will receive the consideration of Government.

743. KHAWAJA ALI MOHAMMED : Is it a fact :—

(a) A large number of people emigrated from Astore and reached Bandipura in the form of a procession in Assuj 1993?

(b) What was the object of their emigration, and why were they forcibly detained at Bandipura?

(c) What was the number of their representation who were brought to Srinagar and what was the assurance given to them by the Government?

(d) Was any Commission appointed to enquire into their grievances?

(e) If the reply be in the affirmative, will Government please place on the table a copy of the report of the Commission and will also please state what action have the Government taken for redressing their grievances?

LALA HAVELI RAM (General Secretary, on behalf of the Hon'ble Prime Minister) : (a) and (b) About 800 Astories came to Bhandipur in Assuj last to represent their grievances to the authorities. They were not forcibly detained at Bhandipur. They

were persuaded to return to their homes and to send their representatives to Srinagar as it was not considered desirable to permit such a large mob to come to Srinagar.

(c) About 20. They were assured that an enquiry would be made into their grievances by a Commission.

(d) Yes.

(e) The report is of a confidential nature and cannot be placed on the table of the House. The matter is still under consideration and final orders have not yet been passed.

744. KHAWAJA ALI MOHAMMED : Will the Hon'ble Prime Minister please state :—

(a) What was the proportion of the Muslims in the Government services excluding the menials in all the Departments of the Jammu and Kashmir Government before the recommendations of the Glancy Commission and what is it at present?

(b) Are Government prepared to declare a clear and definite policy for making up the Muslim proportion in the Government services? If not, why?

LALA HAVELI RAM (General Secretary, on behalf of the Hon'ble Prime Minister) : (a) It is not possible to give an accurate reply to the first part of the question as no such figures were collected before the Glancy Commission was appointed. As regards the second part of the question the attention of the member is drawn to the half-yearly statement published in the Government Gazette of 16th Assuj 1993.

(b) The Government has been and is doing all it can to secure adequate representation of all communities in the service of the State.

MR. M. A. BEG : Is it a fact that the Glancy Commission did collect the statistics which would show the representation of Musalmans in various departments?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) : Yes.

MR. M. A. BEG : Then can you not from that statement say what was the proportion of Musalmans in the various departments at the time of the appointment of Glancy Commission?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) : We can see that.

745. KHAWAJA ALI MOHAMMED : Will the Hon'ble Home Minister please state :—

(a) As to whether orders for teaching Shikasta in the village Primary schools have been issued? If the reply be in the affirmative, it may be stated as to

(b) When and how many Shikasta knowing teachers have been employed?

(c) How many village boys have passed the Shikasta exa-

mination up to the present day?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) :
(a) Yes.

(b) No special teacher is necessary for imparting instruction in Shikasta.

(c) No particular examination is held in Shikasta. The only test that is required is to judge whether students have gained sufficient practice in reading Shikasta.

KHAWAJA GHULAM MOHAMMED SADIQ : Writing which is difficult to read is called "Shikasta".

746. KHAWAJA ALI MOHAMMED : Will the Government please state that :—

(a) Whether the Salary Commission has submitted its recommendations to the Government?

(b) If the answer be in the affirmative, have the Government been pleased to accept the recommendations or the same are as yet under consideration?

(c) Will the Government please place a copy of such recommendations on the table, for the information of the House?

LALA HAVELI RAM (General Secretary, on behalf of the Hon'ble Prime Minister) : (a) Yes.

(b) They are still under consideration.

(c) No.

747. KHAWAJA ALI MOHAMMED : Will Government please state :—

(a) As to why the owners of those houses and shops at Gulumarg which were reduced to ashes in 1926 have not been allowed permission for the reconstruction of the buildings inspite of their having submitted many applications?

(b) Are Government preparing a scheme for the construction of a Bazar on these spots?

(c) If the reply be in the affirmative, are Government prepared to grant to the owners of these plots compensation in money or land?

(d) If the reply be in the negative, will it be stated as to why no compensation should be given to the owners of these plots when proprietary rights have been granted to the zamindars and when these plots have continuously remained in their possession for nearly 40 years?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : (a) The lessees of sites in the old bazar destroyed by fire in 1926, were allowed to put up temporary structures pending alignment of the new bazar at a different site.

(b) The plan of the new bazar at a different site has already been completed and shops constructed.

(c) The lessees were not entitled to any compensation.

(d) Lease-hold rights do not form any ground for grant of proprietary rights.

748. KHAWAJA ALI MOHAMMED : Will Government please state :—

(a) The number of the telephone operators in Jammu and Srinagar Telephone Exchanges? How many of them are Muslims and how many non-Muslims?

(b) If there is no Muslim, the reasons for it may be stated and what steps Government want to take for increasing the proportion of the Muslims?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) :
(a) There are 8 telephone operators in the Jammu and 11 in the Srinagar Telephone Exchange. All of them are non-Muslims. No qualified muslim was available at the time of appointment.

(b) Three Muslims are being given necessary training and will be appointed on the occurrence of permanent vacancies.

NOTE.—(Muslim Conference Party) Hear, hear.

749. Deleted.

750. KHAWAJA ALI MOHAMMED : Is it a fact that :—

(a) The Director of Education has submitted his proposals regarding the transfers and appointments of the gazetted and non-gazetted staff to the Hon'ble Minister in charge Education?

(b) If the answer be in the affirmative, what action has been taken on those proposals and will a copy of those proposals be placed on the table of the House?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) :
It is not known to which proposal the Hon'ble member refers to ; many such arrangements are made in a year.

751. KHAWAJA ALI MOHAMMED : (a) Is it a fact in view of the religious sentiments of Pandits of Kashmir, Government has opened a Sanskrit College with the Government High School at Srinagar?

(b) If the answer to (a) be in the affirmative, are Pandits receiving Sanskrit and Hindi education regularly in the above institution?

(c) If the answer to (a) and (b) be in the affirmative, what are the reasons for not opening any such oriental College for the 97 per cent. Muslims of the whole State? Will the Government be prepared to make up this deficiency?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) :
(a) No. Only a Pathshala is attached to the Government High School Srinagar since a long time.

(b) Not only Pandits but persons belonging to any community can receive education there.

(c) The Government does not feel any necessity of opening such Colleges.

KHAWAJA ALI MOHAMMED : I submit, sir, why an Oriental College was not opened when arrangements were made to open a Pathshala?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : There is a definite reply.

PANDIT JIA LAL KILAM : Pathshala is a Pathshala.

PANDIT LOK NATH SHARMA : You should also go to the Pathshala.

MR. M. A. BEG : This has nothing to do with Pathshala.

752. KHAWAJA ALI MOHAMMED : Is it a fact :—

(a) That it has been remarked in the Glancy Commission report that the Government has shown partiality as regards the opening of a Sanskrit College at Srinagar while there is no National College for Muslims?

(b) If the answer be in the affirmative, will Government please state what steps it has taken during the last five years with a view to respecting the sentiments of Muslims?

THE HON'BLE MR. WAJAHAT HUSSAIN : (a) No. Neither there is any Sanskrit College at Srinagar.

(b) This does not arise.

753. SUBEDAR KHAN MOHAMMED KHAN : (a) Will it please be stated as to whether Wazir Poonch, in the capacity of Inspector General Police in connection with the murder case of the postman of Trar Post Office, Tehsil Sudhoti, decoity case at Thub, in Tehsil Bagh and murder case of Chokian, made remarks regarding the inefficiency and defective work of Police officers of Poonch?

(b) If the answer be in the affirmative, what reforms have been introduced in the Police Department? If the answer be that no reform has been introduced, then is it not dangerous to take no notice of such a disorderly state of affairs?

(c) Cannot reforms be made under the supervision of the Inspector General Police? If not, then what other means of reform are open?

(d) Will separate figures be supplied regarding the pays of constables, Head-Constables, and Sub-Inspectors of Poonch Police and as to whether their pays are identical to the pays of such officers under the Jammu and Kashmir Government?

(e) If the answer be that the pays of the Poonch Police are comparatively less, then, are the Poonch Government prepared to equalise the pays?

WAZIR FERAZ CHAND (Wazir Poonch) : (a) Yes, the Wazir made remarks of a general nature with regard to the work of the Police in Trarkhal and Chowkian Murder cases. No remarks were passed in regard to Thub Dacoity case.

(b) The remarks were of a general nature and did not relate to any particular defect and therefore the question of introducing

reforms does not arise. However, to improve the supervision a post of Assistant Superintendent of Police was created whose Head-quarter has now been sanctioned at Rawalkote. Supervision of Thanas and their work have been distributed between the Superintendent of Police and the Assistant Superintendent Police.

(c) The question does not arise.

(d) In Poonch the pay of Constables varies between Rs. 9 and Rs. 12 p. m. and that of Head Constables between Rs. 15 and Rs. 20 p. m. and that of Sub-Inspectors between Rs. 35 and Rs. 50 p. m. Their pays are less than those of corresponding officers in the State.

(e) The question of pay depends mainly on the financial resources and no revision is possible because of the present financial condition of the Illaqa.

754. SUBEDAR KHAN MOHAMMED KHAN : (a) Will Government place on the table of the House the list of articles falling into the category of personal luggage?

(b) Do agricultural implements include Shovel, Pickaxe, Spade, Ghabal, Martore, Gainti and Bailcha?

(c) Are Cot, Spinning wheel, Bailan, ornaments for marriage included in the Personal Luggage? If not, why?

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI : (a) List of articles falling under the category of personal luggage sanctioned under Customs Notification No. 15 of 1936 is placed on the table of the Praja Sabha Sad.

(b) No, because these implements are required more by road Coolies than Farmers. The exempted implements are given under item 72(8) of the Customs Tariff, the advisability of exempting Spade will however be considered.

(c) Attention is invited to item No. 21 (a, b, c) of Notification No. 15 of 1936 mentioned in (a) above. There is no justification for treating these articles as personal luggage.

755. LALA HANS RAJ : (a) Will the Government please state the number of Dogra Hindus, Kashmiri Pandits and Muslims in the Pubilicity office?

(b) If the number of Dogra Hindus be almost nil in that office is Government prepared to employ them in that office. If not, why?

LALA HAVELI RAM (On behalf of the Hon'ble Prime Minister) : There are 19 Muslims, 19 Kashmiri Pandits 15 Dogras and 6 other employed in the Prime Minister's office, of which the Pubilicity office is only a section. There are 4 Kashmiri Pandits and 7 Muslims employed in that Section. It is not possible to secure representation of every class of State subjects in every Section of an office.

LALA SHIV NATH NANDA : Are not the Kashmiri Pandits Dogras?

NOTE.—Lala Hans Raj stood up to speak.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : (Addressing Lala Hans Raj) : You should just wait. (Laughter)

LALA SHIV NATH NANDA : It has been stated that all the Kashmiri Pandits are Dogras.

LALA HAVELI RAM (General Secretary) : This can also be asked if the Dogras are not Kashmiri Pandits?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : That was in the question itself.

LALA HANS RAJ : I had not asked such a question. I had been made to ask this. (Laughter)

SHEIKH ABDUL HAMID : It means that you withdraw your question.

NOTE. There was noise in the House.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Order please !

LALA HANS RAJ : I had already submitted to Hon'ble Colonel Colvin-the Ex-Prime Minister-about the matter but no justice was done.

LALA SHIV NATH NANDA : You mean to withdraw this question.

LALA HANS RAJ : It is as good as withdrawn, else what have we gained.

756. LALA HANS RAJ : (a) Is Government prepared to start any such system whereby the higher officer may pay surprise visits to Tehsils, Wazarats and Police Stations without notifying any programme and sometimes go about incognito and inquire from the public about their welfare endeavouring also to know from the litigants about the facts of some cases personally? If not, why?

LALA HAVELI RAM (General Secretary) : There is nothing to prevent inspecting officers from paying surprise visits to subordinate offices, and in fact some of them have been doing so. Government do not consider it advisable that officers should go about in cognito for making inquiries of the kind suggested.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : There is a small matter and that requires your consideration.

MAJOR GENERAL RAO BAHADUR THAKUR JANAK SINGH Ji : Is this a supplementary question?

SARDAR HARI SINGH : No, this is not a supplementary question.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Have you asked any question?

SARDAR HARI SINGH : No, sir. I have not asked any question. It is an application placed before you.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : There is a small matter before the Sabha. Please consider it. Sardar Hari Singh has submitted an application saying that he does not want to be a member of the Municipal Bill Select Committee and nominates the name of Pandit Ram Chandra Dobey in his stead. Whatever you decide in this behalf will be done. (Addressing Sardar Hari Singh)

The manner in which you have proceeded in this behalf is against rules. If you resign, the matter will be placed before the House. You cannot yourself nominate Pandit Ram Chandra Dobey's name in place of your own name. There can be only one way and that is that you submit your resignation and then the House will elect any other gentleman. You cannot nominate anybody.

SARDAR HARI SINGH (Pointing Pandit Ram Chandra Dobey) : He himself has asked me for this.

KHAWAJA GHULAM MOHAMMED SADIQ : May I know, sir, whether he is doing it under protest.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : (Addressing Sardar Hari Singh) : Pandit Ram Chandra Dobey was nominated but he has now resigned himself in the House. Afterwards you were nominated and your name was unanimously accepted. The Hon'ble Finance had also agreed to it. But now, accepted. The Hon'ble Finance Minister had also agreed to it. But now, if you resign, it will be for the House to decide about it. You cannot nominate anybody.

SARDAR HARI SINGH : This may be considered as my resignation.

NOTE.—L. HANS RAJ began to speak but was not allowed.

SARDAR HARI SINGH : I want to give you the reasons for it.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You need not give reasons. The question is that you have submitted your resignation which has been accepted. (Addressing the House).

Sardar Hari Singh has resigned. It will be your duty to elect any other gentleman.

LALA HANS RAJ : I submit, sir, that.....

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Wait a bit.

LALA HANS RAJ : An opportunity must be given to me.

ABDUL RAHIM BANDE : Certainly.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH JI (Finance Minister) : I propose the name of Mr. Kohli.

LALA AMAR NATH KOHLI : I do not accept this. I also resign.

MAJOR GENERAL RAO BAHADUR THAKUR JANAK SINGH JI :

The resignation contagion seems to have spread in the whole House.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji (Finance Minister) : Pandit Ram Chandra Dobey be taken then.

NOTE.—(Lala Hans Raj stood up to speak).

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Lala Sahib you have no right to speak now. You can speak when it is your time to speak.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji (Finance Minister) : I again propose Pandit Ram Chandra Dobey's name.

LALA AMAR NATH KOHLI : He has once resigned.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : He can be re-elected.

PANDIT RAM CHANDRA DOBEY : In my opinion one of the Sikhs should be proposed. I do not want to become a member.

LALA RAM LAL VAKIL : In my opinion some one of the Poonch Illaqa may be taken. Let Sardar Dhyan Singh be proposed because many things in it apply to Illaqa Poonch also.

PANDIT AMAR NATH KAK : It is a Municipal Bill.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji (Finance Minister) : When a member of the Liberal Group proposes Sardar Kanhaya Singh's name, I won't have any objection to it.

SARDAR KANHAYA SINGH : I withdraw my name with thanks.

LALA RAM LAL VAKIL : I propose Sardar Dhayan Singh's name.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji (Finance Minister) : As there is no member from Poonch in the Select Committee so I accept this proposal.

SARDAR DHAYAN SINGH : I also withdraw my name with thanks because no attention is paid to Sikhs.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Don't you accept it?

SARDAR DHAYAN SINGH : I do not accept it. Hence I withdraw my name.

PANDIT RAM CHANDRA DOBEY : Then any amongst Harijans may be selected.

PANDIT JIA LAL KILAM : I propose Lala Hans Raj's name.

LALA AMAR NATH KOHLI : I submit, sir,.....

(interrupted by Mr. President)

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : There is some difficulty, should I postpone it for tomorrow?

LALA AMAR NATH KOHLI : I propose that Sardar Mal Singh may be taken.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji

(Finance Minister) : I accept it. I have no objection.

PANDIT JIA LAL KILAM : There must be an elected member for this.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Sardar Mal Singh has been taken. As there is no more work for the House, the House adjourns.

NOTE.—The House adjourned at 12-15 A. M.

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THE
JAMMU AND KASHMIR PRAJA SABHA DEBATES
(Official Report)



VOLUME VI.

PART XIII

(27th April 1937)

SIXTH SESSION

OF THE

FIRST J. & K. PRAJA SABHA.



JAMMU:

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JAMMU AND KASHMIR PRAJA SABHA.

JAMMU SESSION.

Tuesday, 27th April 1937.
15th Baisakh 1994.

The Praja Sabha met in the Praja Sabha Chamber at Eleven of the Clock, at Ajaib-Garh, Jammu. Mr. President (The Hon'ble Sir Lal Gopal Mukerjee Kt.) in the Chair.

QUESTIONS ANN ANSWERS.

757. SUBEDAR KHAN MOHAMMAD KHAN (Bagh Sudhn-uti: Poonch Muslim): Is it a fact that there is great deal of traffic from Sudhan Gali to Bagh and that the distance between them is only a five sixths of a mile?

Will this road be repaired through the Tehsil out of the Koli Kor Tax?

WAZIR FEROZ CHAND WAZIR POONCH (On behalf of the Hon'ble the Revenue Minister): Yes.

It is not a regular road but only a foot-path. The Chief Revenue Officer will be asked to carry out necessary repairs to it.

758. SUBEDAR KHAN MOHAMMAD KHAN: Are Government aware that the zamindars own very little land; that the major portion of the Illaqa has to bring grains from all sorts of passes to support the members of their families and that in the past all kinds of grain were free from duty?

Are Government also aware that in the days when the Illaqa Poonch was under the control of the Residency, grain used to be brought at Government expenses?

Are the Government also aware that those Illaqa are exempt from Customs duty who have their dealings with the British Illaqa?

Is it also a fact that the incidence of the Custom falls on those who deal with Tehsil Uri, Rajouri, Kotli and Muzaffarabad etc.?

Are Government also aware that these people bring with them all their luggage and grains on their heads, that they cross Nullas by paying grain as wages and that they are extremely hard-pressed? Is it also a fact that the Wazir-i-Poonch promised to exempt grains from Customs duty?

If the answer to the above mentioned question be in the affirmative, will the public be rid of this hardship by exempting grains from duty?

WAZIR FEROZ CHAND: (a) The condition of the zamindars of Poonch is generally the same as that of their brother zamindars of the adjoining Tehsils such as Kotli, Muzaffarabad and Uri.

(b) Cheap grain-shops were opened by the administration only at the time of famine.

(c) Exemption from grain duty has been made by the Administration as a tentative measure, on certain posts lying between the Illaqa and Rawalpindi District in view of the fact that that side of the Illaqa is generally short of produce.

(d) At all other posts grains are not exempted and thus the incidence of Customs duty falls on the population throughout Illaqa. Mostly the grains are imported in the Illaqa on animals. The Wazir promised to consider the question of exempting grain from import duty and the matter is already under his consideration.

759. SARDAR KANHAYA SINGH: (West Kashmir: Sikh) A right to vote has been granted to every community in all the three Tehsils of Baramulla District, but no such right has been granted to the Sikhs living in a few villages in Badgam Tehsil.

Will Government in view of the fact that the other communities of these villages have been enfranchised grant the right of voting to the Sikhs of these villages in the next election of the Praja Sabha?

LALA HAVELI RAM GENERAL SECRETARY: On behalf of the Hon'ble the Prime Minister): No. The member is referred to paragraph 13 of the Franchise Committee Report in which reasons have been explained for not giving the right of vote to the Sikhs of Badgam (Sri Pratapsinghpura).

760. LALA RAM LAL (Illaqa Poonch: Hindu): It may please be stated whether the time of framing all the laws in Praja Sabha since the inauguration of the Praja Sabha upto now the Praja Sabha members from Poonch have also been included in the Select Committees or not?

(b) If the answer to the last portion of part (a) be in the negative, it may please be stated whether the enforcement of such laws is desirable even in Poonch or not? If desirable, how?

LALA HAVELI RAM: (a) Yes, they have been on two occasions.

(b) Does not arise.

761. SHEIKH MOHAMMED AMIN (Jammu city Muslim). Is it a fact that the printed official record of the Praja Sabha for one session is not available till the next session on account of which the members do not get an opportunity to read, consider over and make further enquiries in connection therewith?

(b) If the answer be in the affirmative, will Government kindly make arrangements whereby the proceedings on one session may be provided in the shape of printed book to each member at least 2½ months before the commencement of next session.

LALA HAVELI RAM: But for the proceedings of the last Srinagar session, which were delayed owing to certain unavoidable reasons, printed copies of the proceedings are generally supplied before the commencement of the next session.

(b) It is difficult to give a definite undertaking but member may rest assured that every effort will be made to get the printed proceedings issued in time.

762. KHAWAJA ALI MOHAMMED (Fatehkadal, Tenkipura Srinagar city Muslim): Will the Hon'ble the Revenue Minister please state:—

(a) Why have the new Nazool rules been forced upon the previous Vasidars when they have been granted lands under the previous rules and agreement?

(b) Will Government enforce the new rules upon those Vasidars only who acquired land from Nazool on ground-rent subsequent to the framing of the new rules?

(c) Will the previous Vasidars be exempted from these new rules?

If not, why?

COLNEL BALDEV SINGH GOVERNOR JAMMU: (On behalf of the Hon'ble the Revenue Minister): (a) This has not been done.

(b) Yes. the new rules will apply to fresh grants.

(c) Does not arise

763. SHEIKH MOHAMMED AMIN: (a) Is it a fact that the total number of the non-official resolutions which are put down in each day's list for discussion in the House being ten the full number of resolutions was never discussed, however ordinary they were and however short the discussion they required?

(b) If the answer to the above question be in affirmative will the Hon'ble President of the Praja Sabha modify

this practice to the extent that the number of the non-official resolutions may be reduced from ten to five for each day and proportionately to this number of the resolutions the number of the days for the discussion of the non-official resolutions may be increased for the purpose?

LALA HAVELI RAM: (a) Yes.

(b) The Hon'ble President is prepared to reduce the number of Resolutions on the list for a day, but Hon'ble the Prime Minister may not find it possible to increase proportionately the number of days allotted for non-official business. Also the proposal may involve the following consequences:—

If for want of the mover or on account of the withdrawal of resolution, some resolutions fall through, or if some of them are accepted by the Government, there is the risk of sufficient work not being before the House on a non official day.

764. KHAWAJA ALI MOHAMMED: Will the Hon'ble Revenue Minister please state:—

Whether the former Committee besides safeguarding the interests of the Government had recommended that no extraordinary addition in ground-rent such as more than 50 per cent. should be made? Is Government prepared under the circumstances to raise ground-rent of the previous Vasidars by 50 per cent? If not, why?

MR. K. N. KNOX: (The Hon'ble the Revenue Minister): Yes?. In case of past grants used for declared objects, the limit of 50 per cent increase is still adhered to.

765. SHEIKH MOHAMMAD AMIN: (a) Will Government please inform the House as to what is the total number of the clerks in the Praja Sabha Office. What are their posts names and what salary are they paid? How many of these are Muslims and how many non-Muslims and what pay do they get?

If there be a paucity of Muslim element it may be stated as this is a newly established Department and when efficient Muslims were available why is there so much paucity?

LALA HAVELI RAM: The praja Sabha office has 22 clerks out of whom 11 are Muslims and 11 non-Muslims.

A statement showing posts, names and pay of the clerks is placed on the table of the member.

(b) A perusal of the statement will show that there is no paucity of Muslims in the Praja Sabha office and consequently the second part of the question does not arise.

MUSLIMS.

Serial No.	Name.	Designation.	Pay.
1.	S. Feroz Shah	.. Senior Translator	120
2.	Mr. Azim-ud-Din B. A. (Hons) L. L. B.	Matoo .. Do.	120
3.	Sheikh Abdur Rahman	.. Head Clerk	120
4.	Mr. Abdul Ghani B. A. L. L. B.	.. Junior Translator	85
5.	Mr. Nur Din B. A.	.. Reporter	85
6.	Kh. Ali Mohammed B. A.	.. Junior Shorthand writer	60
7.	Mr. Mohammed Jan	.. English Shorthand writer	50
8.	Mr. Ghulam Qadir B. A.	.. Clerk	30
9.	Tahawar Hussain	.. Copyist	25
10.	Mr. Mohammed Shaffi	.. Clerk	25
11.	Mr. Rafiq Ahmed	.. Copyist	25

NON-MUSLIMS.

Serial No.	Name.	Designation.	Pay.
1.	Mr. Guru Das	.. Reporter	120
2.	Pandit Bodh Raj B. A. L. L. B.	.. Junior Translator	85
3.	Mr. Harnam Das Rattanpal	.. Stenographer	85
4.	Mr. Nand Lal	.. Accountant	85
4.	Mr. Jai Dev Sharma M. A, L. L. B...	Translator	85
6.	Mr. Daya Kishan Kachru B. A. (Hons)	.. Do.	85
7.	Mr. Prem Nath Channa	.. Reporter	85
8.	Mr. Tej Ram	.. Assistant Librarian	60
9.	Lala Charan Das Gupta B. A., LL. B.	Vernacular Shorthand writer	60
10.	Mr. Nand Kishore	.. Typist	25
11.	S. Puran Singh	.. Clerk	30

KH. GHULAM MOHAMMED SADIQ (Amirakadal Srinagar City Muslim): Has the Temporary staff been included in the statement placed on the table?

LALA HAVELI RAM: Fresh notice is required for that.

MIRZA MOHAMMED AFZAL BEG (Anantnag Muslim): Is the representation of the Muslims born in mind even in the case of the temporary arrangements.

LALA HAVELI RAM: Certainly;

766. SHEIKH MOHAMMED AMIN: Is it a fact that all of the employees (establishment) in the office of the Chief Inspectress of Schools and the Girls School are males?

(b) That the teachresses in submitting their applications and in getting other matters decided experience great difficulty and consider it objectionable?

(c) Will Hon'ble the Home Minister in view of the difficulties appoint at least one lady clerk instead of male clerks in each of these two offices?

THE HON'BLE HOME MINISTER: (a) Yes.

(b) No complaint has been received with regard to it. The teachresses need not go to the clerks but instead should see the chief Inspectress or the Inspectress.

(c) Yes, with pleasure. But the ladies are not available for this work.

767. SHEIKH MOHAMMED AMIN: Is it a fact that the present telephone system of the Jammu is out of date and insufficient?

If the answer to the above be in affirmative, will Hon'ble Home Minister please remove this complaint of the Public by introducing an upto-date telephone system in the Telephone Exchange and thus encourage the trade of Jammu?

MR. WAJAHAT HUSSAIN I. C. S. (HON'BLE THE HOME MINISTER): (a) Yes.

(b) The scheme is under consideration and would have been taken up this year but for its high cost.

768. CHOUDHARI ABDULLA KHAN: Jammu Wazarat Muslim): Is it a fact that the new candidates are taken to fill vacancies in the Education Department inspite of the fact that teachers of the same or even higher ability and qualifications as are possessed by the fresh candidates rather are available working in the lower grades of the same Department. If the answer be in the affirmative, reasons may please be stated for this clear injustice?

THE HON'BLE MR. WAJAHAT HUSSAIN: The reply to the first part of the question is in the affirmative. There are many reasons for it. More light can be thrown if some specific instance is cited by the Praja Sabha Sad.

769. CHAUDHARI ABDULLA KHAN: For some time past a practice has been introduced under the Kashmir Service Regulation to the effect that if a State servant applies for casual leave in continuation with the holidays the holidays are combined with the leave in consequence whereof the short period of 15 days casual leave is spent up in this way and they are undergoing inconvenience every time when they require leave? Are Government prepared to discontinue this practice so that the inconvenience of the employees be removed? If not, why?

LALA HAVELI RAM: Combination of casual leave with vacation or holidays is permitted now only in exceptional and unavoidable circumstances with the sanction of Government. Attention is in this connection invited to the answer given to question No. 439 replied on 26th March 1936 in which reasons for the present restriction were explained. The position will however be reexamined by Government in the light of the several questions which have been put in the House on the subject, from time to time.

770. CHAUDHARI ABDULLA KHAN: Will Government please State whether the incidence of the sanitation fund falls on the general public or particularly on the zamindars? If its incidence falls on the zamindars only and the general public good is in view it may kindly be stated as to why the incidence of the tax falls on zamindars only and under what principles of justice it is so done in spite of the fact that special interest is not taken on the sanitation of the villages?

COLONEL BALDEV SINGH (On behalf of Hon'ble the Revenue Minister): The cess is collected from land revenue payers only, as this class is able to bear it. The non revenue paying class comprising tenants mostly cannot bear any taxation.

All possible efforts are being made to improve sanitation of the mufassil. Rural centres and localities frequented by travellers and visitors are being attended to first. In course of time the whole of the Mufassil will be benefitted.

771. LALA HANS RAJ: (a) Is Government aware that Jammu Ale House is situated on the Jail road and morning and evening old and young children men and women go out for walks to Ramnagar by this road but the intoxicated drunkards talk their ribald talk loud and unabashed before the public and that this is having very demoralising effects on the public?

(b) If it is a fact then why is not the Government

prepared to remove this Wine House to some place outside the Municipal limits of the city?

c) When will this be done?

RAO BAHADUR THAKAR KARTAR SINGH JI (Hon'ble the Finance Minister): The present locality of the shop is not on the road but a jarib away from the road. No such complaint of ribaldry or drunkenness has been made before. This is the only suitable place in that locality.

(b) and *(c)* Do not arise.

772. MIRZA M. A. BEG.: *(a)* What amount and in what year was granted to the Hanfia High School Anantnag for the construction of a building for the school?

(b) In what year the orders of ten per cent cut were issued?

(c) Was the grant of the above High School for the construction of the building sanctioned before the issuing of the orders referred to in part *(b)*?

d) If the answer to part *(c)* be in the affirmative, it may please be stated why the grant of the School was affected by such orders?

(e) Will the Government now refund to the Anjman-i-Hanfiah Islamabad the sum which in connection with the ten per cent cut had been deducted from the above building grant?

THE HON'BLE MR. WAJAHAT HUSSAIN: *(a)* A grant of Rs. 7741 was sanctioned in Sambat 1987-88. A sum of Rs. 5,955 has been paid because the School spent Rs. 11,911 over the construction of the building and the Government pay half of the expended money.

(b) In Sambat 1988.

(c) The ten percent cut was not applied to the building-grant, which had since been totally stopped.

(d) & *(e)* These questions do not arise.

MR. M. A. BEG: Has the amount of the building grant which was left behind been stopped?

THE HON'BLE MR. WAJAHAT HUSSAIN: Yes, as Rs. 11911 were spent on the construction of the building and the Government paid half of the amount *i. e.*, Rs. 5955.

773. MIRZA M. A. BEG: Will the Hon'ble Home Minister please peruse the answer to my question No. 178 contained in the Praja Sabha Debate Volume IV at page 219 and will please state whether the total balance of the amount was caused to be paid by the employees to the Kothi (Firm) and whether as was promised any explanation was called from those people as to why they misappropriated another's money?

HON'BLE MR. WAJAHAT HUSSAIN: (The Hon'ble the Home Minister) Messrs. Ahad joo Aziz joo of Anantnag have so far been paid Rs. 463-14-3 out of Rs. 467-and on being asked to produce documentary evidence in support of the balance, if any, stated that they had no further records with them. As soon as any record is furnished, the Police Department will make necessary recoveries from the officers concerned.

MR. M. A. BEG: Did they possess any record to prove this claim for Rs. 463.

HON'BLE WAJAHAT HUSSAIN: No.

MR. M. A. BEG: Will a proof of this kind be deemed sufficient for the remaining amount.

MR. RESIDENT: (Hon'ble Sir Lal Gopal Mukerji Kt.) Certainly.

MR. M. A. BEG: I have not received the reply to the last portion of my question.

HON'BLE MR. WAJAHAT HUSSAIN: Sir, last time too it has been stated that it is a private transaction and that inspite of this the Government helped him to get the money.

MR. M. A. BEG: Was it stated last time that an explanation would be called from them?

HON'BLE MR. WAJAHAT HUSSAIN: I do not remember this.

MR. M. A. BEG: Did I not call your attention to this?

HON'BLE MR. WAJAHAT HUSSAIN: Yes, you did.

Information promised in reply to question serial No 93 asked on 6th October 1936 by:—

774. Lala Ram Lal (a) will Government please state as to how many girl students are receiving education at present in the Putri Pathshala at Poonch and what is the monthly grant given to this Pathshala by the Poonch administration?

If the answer to (a) be this that a monthly grant of Rs. 50 is given to the Pathshala, it may please be stated whether this grant is in accordance with the rules followed in Jammu and Kashmir. If not is the Government prepared to grant aid to the Putri Pathshala in accordance with the rules followed in Jammu and Kashmir. If not, full reason may kindly be stated?

WAZIR FERAZ CHAND WAZIR POONCH (On behalf of the Hon'ble Revenue Minister): On enquiries made in this behalf it has been found that Sri Rani Sahiba Shami Putri Pathshala Poonch is not being conducted in accordance with

the grant-in-aid rules in force in the State and therefore paying of grant in actual annual expenditure incurred by the Managing Body of the Pathshala which is Rs. 842 (excluding a sum of Rs. 128 spent by the Body this year on account of prize distribution) a grant-in-aid of Rs. 600 annually paid to this institution is not less than what it can get under these rules. In other words the institution is now practically running only on aid given by administration, as the annual outside income is not more than Rs. 143. However the question of the revision of the existing grant will be taken up when the Managing Body observes the rules laid down in this connection, for which a reference has been made to the Body.

LALA RAM LAL: I have enquired how many girls are receiving education there?

MR. PRESIDENT (Hon'ble Sri Lal Gopal Mukerji Kt.) The reply to this has already been given in the last session.

LALA RAM LAL: In the last Srinagar session it has been accepted by the Government that the grant will be allowed according to the general rules.

MR. PRESIDENT (Hon'ble Sri Lal Gopal Mukerji Kt.): It is the same reply that is given now?

LALA RAM LAL: But he has said that it is not being run in accordance with the rules.

MR. PRESIDENT (Hon'ble Sir Lal Gopal Mukerji Kt.): You have not understood the reply. The reply has been given as under.

LALA RAM LAL: Then what is at all meant by saying that the Pathshala is not being run in accordance with the rules?

WAZIR FEROZ CHAND: That means that the Pathshala is not running according to the rules.

MR. PRESIDENT (Hon'ble Sir Lal Gopal Mukerji Kt.): Are those rules written?

WAZIR FEROZ CHAND: Yes sir, they are written rules. Information promised in reply to question serial No. 117 asked on 6th October 1936, by:—

775 MIAN AHMED YAR (Muzaffarabad Muslim): What was the number of Muslim and Non-Muslim Wazirs-i-Wazarat, Revenue Tehsildars, Revenue Naib Tehsildars Settlement Tehsildars Settlement Naib-Tehsildars, Sadar Qanungos, Girdawars, Patwaris, Shajra-Kashes and Munsarims at the time when Hon'ble Sheikh Maqbool Hussain was Revenue Minister and what is their number now?

COLONEL BALDEV SINGH PATHANIA: (On behalf of Hon'ble Revenue Minister):—

Designation of Officers.	Strength of Muslims and non-Muslims at the time of Khan Bahadur Sheikh Maqbul Hussain.		Present strength.	
	Muslims.	Non-Muslims.	Muslims.	Non Muslims
Wazirs Wazarat	..	2	6	3
Tehsildars	..	7	20	8
Naib-Tehsildars	..	9	24	9
Saddar Qanungos	..	2	5	2
Girdawars	..	9	75	33
Patwaris	..	150	849	275
<i>Settlement Department.</i>				
Tehsildars	..	2	7	The Settlement Department does not exist now
Naib-Tehsildars	..	7	38	
Including Demarcation Naib Tehsildars	..	---	---	
Munsarims	...	30	99	
Shajrakashes	..	62	304	

Designation of Officers.

Strength of Muslims and Non-Muslims at the time of Khan Bahadur Sheikh Maqbul Hussain.

		Maqbul Hussain.	
		Muslims.	Non-Muslims.
<i>Muzaffarabad District.</i>			
Saddar Qanungos	..	....	1
Girdawars	..	3	7
Patwaris	..	24	35
<i>Frontier District.</i>			
Wazir Wazarat	..	1	....
Tehsildars	..	1	2
Naib Tehsildars	..	1	3
Saddar Qanungos	..	1	1
Girdawars	..	7	8
Patwaris	..	66	23

NOTE.—Figures of Wazir Wazarat, Tehsildar and Naib Tehsildars of the Muzaffarabad District were given on 6-10-1936.

Information promised in reply to question serial No. 136 asked on 7th of October 1936 by:—

776. SARDAR HARI SINGH: The dirty water of the shops of butchers and sweatmeat sellers etc., at Kud remains collected in the road drain whereby stink is spread all round? Are Government prepared to construct a pucca drain in this small area so that the dirty water may not get collected there? If so, when? If not, why?

COL. BALDEV SINGH: The work of constructing a drain at Kud has been given to and started by a contractor. It is expected to be completed in the first week of May 1937.
Information promised in reply to question serial No. 150 asked on 7th October 1936 by:—

777. SARDAR FATEH MOHAMMED KHAN: (a) Is it a fact that on pressing demand by the Muslims of Poonch and in consideration of their backwardness in education, Sri Raja Sahib Bahadur of Poonch accepted to grant scholarships to Muslim students for the training of Agriculture, for the posts of Veterinary Assistants, Draftsmen, etc.?

(b) If the answer to part (a) be in the affirmative, why. Muslim students have not been trained so far in spite of the repeated demands in this behalf?

(c) Are the Poonch authorities in view of the rights of the Muslims and their backwardness, prepared to get deserving Muslim students trained?

WAZIR FEROZ CHAND: Mohammed Sharif, Sultan Mohammed, and Mumtaz Hussain and not Mukhtar Khan had applied for the post of Veterinary Assistant. They required training and as none of them possessed requisite qualifications to entitle them to admission to the Veterinary college Lahore, their selection for the training was impossible.

The post of Veterinary Assistant has been temporarily filled up by appointing a duly qualified non-hereditary State subject as no qualified State subject was available.

SUBADAR KHAN MOHAMMED KHAN (vide Secretary Praja Sabha 1739 dated 17th August 1937) Will this non-State subject continue to hold this post of Veterinary Assistant or will some State-subject Muslim be sent for training?

WAZIR FEROZ CHAND? A man will be sent for training but we cannot say as to of which community will he be.

SUBADAR KHAN MOHAMMED KHAN (vide Secretary Praja Sabha 1739 dated 17th August 1937) will he be taken

WAZIR FEROZ CHAND: Yes.

Information promised in reply to question serial No. 183 asked on 7th of October 1935 by:—

778. MIAN AHMED YAR: Will the Hon'ble Revenue

Minister please state whe the Assessment of the village Muzaffarabad proper, Tehsil Muzaffarabad as assessed in the last Settlement was announced, and whether the question of customary practice and the turns for irrigating land in the said villages has been fixed? If no such fixing of terms has been made, why is land-revenue being charged at Abi rates from those zamindars whose lands have been entered as Abi but who because the turns of irrigation have not been settled cannot irrigate their lands? Who is responsible for this carelessness and what action has been taken so far regarding this carelessness? If no action has been taken in this behalf what are the reasons therefor?

COL. BALDEV SINGH: The Riway Abpashi has been completed by the Tehsildar Muzaffarabad.

MIAN AHMED YAR: Will the land revenue charged at Abi rate for these areas for years 1988 and 1994 be refunded on account of the fact that no turns for irrigating lands have been fixed?

THE HON'BLE REVENUE MINISTER: I will consider it if it is put up and see if it be refundable under rules.

Information promised in reply to question serial No. 76 asked on 6th October 1936 by:—

779. MIAN QURBAN AHMED: (a) Is it a fact that the Government nominated Fazal Din Teli instead of Asghar Ali as a member of the Town Area Committee?

(b) Did Government enquire whether the police had maintained his history sheet and whether many other persons more efficient and highly qualified were available?

(c) If the answer to (a) be in the affirmative will Government please state whether the appointment of such persons as members does not amount to violation of others rights?

THE HON'BLE MR. K. N. KNOX: (a) Nobody who is not a state subject is eligible to the membership of the Town area Panchayat Section 7 (a) (1). This shows that all classes are eligible.

(b) Shaikh Asghar Ali was discharged from membership under Section 7 a (1) (b) of the town area regulation No. 4 of 1990. He was not elected but nominated as all the members of the 1st Panchayats of all town areas were nominated under Section 5 (3) of the Town Area Regulation No. 4 of 1990.

(c) Yes.

(d) The entries in the register No. 9 are confidential.

Information promised in reply to question serial No 154 asked on 7th October 1936 by:—

780. CHONDHARI ABDULLA KHAN: Is it a fact that the Government charges Abiana for a mixed crop at the rate

fixed for the superior kind ignoring the inferior one, as has been stated by the Government in reply to Mian Qurban Ahmed's question (Q. D. No 94) put in the last Srinagar Session? (*vide* question Serial No 25 on page 18 of Volume 111-A Part I of the Jammu and Kashmir Praja Sabha Debates).

If so, why Abiana is charged for tobacco which is sown in the crop of sugar-cane, when both these kinds are sown at one and the same time.

HON'BLE MR. WAJAHAT HUSSAIN: Yes. Sugar cane and tobacco are not sown at one and the same time. The former is sown a month earlier than the latter. They do not therefore come in the category of mixed crop.

CHOUDHARI ABDULLAH KHAN: Is it after watering the fields that the tobacco is sown or after sowing the fields are watered?

HON'BLE HOME MINISTER: The fields are watered before and after the crop is grown. (Laughter).

MR. PRESIDENT: You want to enquire as to how many times the fields are watered?

HON'BLE HOME MINISTER: I have never cultivated tobacco. (Laughter).

GENERAL JANAK SINGH (Thakur Sahib might be knowing this)

Choudhari Abdulla Khan): I have not understood its meaning. Information promised in reply to question serial No 369 asked on 14th of October 1936 by:—

781. YABGO IFTIKHAR ALI KHAN: Has the Public Works Department given consideration to my question No 749 (Q. D. No 847) asked on 7th April 1936 that bridges be constructed on the rivers Shewak and Attak where the path way is difficult to be traversed and is completely blocked up during floods? These path-ways lead to Ladakh and Illaqa Khaplu, etc?

HON'BLE MR. WAJAHAT HUSSAIN: The estimate for construction of a bridge at Phonak has been prepared and is under check. The bridge will be constructed when funds are allotted?

782. MIRZA MOHAMMED AFZAL BEG: (a) Are Government aware of the fact that on account of bad condition of the Anantnag Veri Nag-Gulab Singh road, the trade and agriculture of Anantnag and the intervening Illaqa are adversely affected?

(b) Was any amount of money sanctioned for the road?

(c) Was the bad condition of this road brought to the notice of the Hon'ble Prime Minister at the time when he was on tour in Tehsil Anantnag?

(d) If the answer be in the affirmative will the Government state as to when its construction will be taken in hand?

HON'BLE MR. WAJAHAT HUSSAIN: A sum of Rs. 846 was sanctioned for the construction of the bridges and not for the road.

MIRZA MOHAMMED AFZAL BEG: Have the other parts of the question been left out?

HON'BLE MR. WAJAHAT HUSSAIN: No, you have only asked for an information.

MR. PRESIDENT (The remainder is understood): Information promised in reply to question serial No. 709 asked on 26th of October 1936 by?

783. MAJOR MIRZA ATTA MOHAMMED KHAN: (a) Does the Hon'ble Home Minister know that in reply to question No 631 (Q. D. No. 461) of 6th April 1936 he agreed to survey the Ans canal?

(b) Will it please be stated whether the survey has been made?

(c) Does the Hon'ble Home Minister know that by means of the said canal which will be 16 miles long from village Kandi of Dhangri, the neighbouring lands will be irrigated?

(d) Does the Hon'ble Home Minister know that by emptying this canal into the river Tawi Rajouri the Kandi Illaqa of Deva Batala will be much benefited? If so, will an early attention be paid to the construction of this canal? If not, why?

THE HON'BLE MR. WAJAHAT HUSSAIN: The reply to this question is not ready at this time. It will be given tomorrow.

MAJOR MIRZA ATTA MOHAMMED KHAN: I have not followed Sir.

MAJOR GENERAL ROA BAHADUR THAKER JANAK SINGH: The reply to this question will be given tomorrow. It is not ready today.

Information promised in reply to question serial No. 188 asked on 7th of October 1936 by:—

784. MIAN QURBAN AHMED: (a) Will the Hon'ble judicial Minister please supply list of gazetted and non-gazetted officers, clerks and peons in the Kathua District stating the number of the Muslim zamindars amongst them?

Is it not his duty to keep in view the convenience of all the communities and give proportional representation in services to each of them so that the public may have no grievance?

(b) If the answer to (a) be in the affirmative, will the

Hon'ble judicial Minister remove this inconvenience of the public by making suitable transfers?

Pt. Ram Nath Sharma (on behalf of the Hon'ble judicial Minister). The names of the six persons referred to as zamindars in the reply given to Q. D. No. 406, of March 1936 are:—

1. Sheikh Mohmmad Din.
2. Ahmad Hussain
3. Atta Ullah.
4. Din Mohammed.
5. Munshi.
6. Makhan.

However on further enquiry it is found that No. 6 is a non-Muslim. The mistake is regretted.

KH. ALI Mohmmad: Sir, this question stands in my name.

M. QURBAN AHMED: It stands in my name in the English copy of the list.

GENERAL JANAK SINGH: In Urdu copy it stands in his name while in the English it stands in your name. (Laughter).

PT. LOK NATH SHARMA: Because you know English (Laughter)

MR. M.A. BEG: You sent this question in English while he sent it in Urdu.

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.) He has been given the reply. What have you to ask now? (Addressing to Mr. Qurban Ahmed)

The question which was asked and the reply of which was read out, was it your question?

M. QURBAN AHMED: By mistake the question in Urdu list stands in his name, while in the English copy it stands in my name. I have got the reply to my question. He has not got the reply to his.

PT. LOK NATH SHARMA: It might be printer's devil who omitted.

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.) (Addressing Kh. Ali Mohammed) has your question been omitted.

KH. ALI MOHAMMED: Yes Sir.

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.) That has been omitted. The reply to this will be given to-morrow or the day after to-morrow.

Information promised in reply to question serial No. 348 asked on 14th October 1936 by.....

785. LALA HANS RAJ: (a) Will Government please state

as to how many cases of theft took place in Jammu Province within the last five years and in how many cases the property was recovered and given back to the complainants?

(b) How many theft cases and how many recoveries took place particularly in Tehsil Basohli, and in how many cases the stolen property was restored according to the entries made?

PT. RAM NATH SHRMA: (a) The number of theft cases registered during the last five years was 2448 and in 805 cases property was recovered and restored to the complainants.

(b) The number of theft cases relating to Tehsil Basohli was 105. Property was recovered in 12 cases and restored to the complainants.

Information promised in reply to question serial No. 201 asked on 12th of October 1936 by.

786. LALA SHIV NATH NANDA: Is it a fact that in the month of Sawan 1993 the zamindars of Arniah town, Tehsil Ranbirsingh Pura caused a carcass of a bull to be thrown in a well belonging to Harijans who submitted a complaint in this behalf before the Governor, Jammu (*vide* "The Ranbir 13th Sawan 1993")?

If the reply be in the affirmative will the Hon'ble Revenue Minister please State as to what action has been taken regarding the complaint of the Harijans?

COLONEL BALDEV SING: No separate complaint other than the newspaper cutting in the matter was received. The Wazir Wazarat Jammu was asked by the Governor of Jammu to report after making necessary enquiry in the matter. His report is still awaited.

Further reply which was given in this session:—The statement published in the paper has on enquiry been found to be incorrect.

Information promised in reply to question serial No. 255 asked on 13th of October 1936 by:

787. LALA RAM LAL: (a) It may please be stated that since how long Putri Pathshala has been established at Dharmsala Tarui Tehsil Haveli and how many girls are receiving education in the said Pathshala at present, and how much grant-in-aid is given to the Pathshala by the Government?

(b) If the answer to the last part (a) be in the negative is the Poonch administration prepared to provide grant-in-aid to this Pathshala in accordance with the rules followed in Jammu and Kashmir? If not what are the reasons therefor?

WAZIR FEROZ CHAND : The Putri Pathshala at Dharamsala Taroto is in a preliminary stage and not run in accordance with the rules laid down in the Jammu and Kashmir grant-in-aid rules, as is the case in respect of Sri Rani Sahiba Dhami Putri Pathsala. However a Memorandum has been submitted to Sri Raja Sahib recommending Rs. 120 annually to this Pathshala subject to revision when Managing Body observes the conditions laid down in the said rules.

LALA RAM LAL : The reply given just now is that the Shri Dhami Putri Pathshala is not being run in accordance with the rules. In reply to my previous question it has been stated that it is being run in accordance with the rules.

WAZIR FEROZ CHAND : No, No, it has not been said so.

LALA RAM LAL : It has also been written in the reply.

WAZIR FEROZ CHAND : It is not there, please see the reply again. (Reads the answer again)

LALA RAM LAL : A resolution was also moved recommending a grant-in-aid in its favour. Did the Chief Educational Officer submit a report to the effect that a sum of Rs. 30 may be granted to it?

MR. PRESIDENT (Hon'ble Sir Lal Gopal Mukerji Kt.) (Repeats the above in English).

WAZIR FEROZ CHAND : The report which was called from him contained his remarks that a sum of Rs 30 may be granted as aid in case the Pathshala is run according to the rules.

LALA RAM LAL : Is it not running according to the rules or has it infringed the rules?

MR. PRESIDENT : (Hon'ble Sir Lal Gopal Mukerji Kt.) In what respect they were not complying with the rules?

WAZIR FEROZ CHAND : In every respect Sir, I mean it has not started as yet. (Laughter).

LALA RAM LAL : In the begining it has been stated that the Putri Pathshala is in its preliminary stage. I would ask whether it was started in 1988 or not?

MR. PRESIDENT (Hon'ble Sir Lal Gopal Mukerji Kt.): The answer is "No".

WAZIR FEROZ CHAND : An inquiry will be made in this behalf.

MR. PRESIDENT : (Hon'ble Sir Lal Gopal Mukerji Kt.) This already exists in the report. Answer should be given to the question. Since there are 45 girls, probably you have not made it clear what you mean by preliminary stage.

WAZIR FEROZ CHAND : It is still in the Preliminary stage.

I mean in infancy.

LALA RAM LAL: Did the Chief Educational Officer report that the Pathshala is running satisfactorily?

MR. PRESIDENT: (Hon'ble Sir Lal Gopal Mukerji Kt.): Was any report called from the chief Educational Officer?

WAZIR FERROZ CHAND: No sir.

ABDUL RAHIM BANDE: Now it has got punctured?

Information promised in reply to question serial No. 275 asked on 13th of October 1936 by:—

788. MIRZA M. A. BEG: (a) Are Government aware of the fact that water of the Nullah Brangi percolated into the earth and that zamindars feel great difficulty for want of water at the time of irrigation?

(b) If the answer be in the affirmative, will Government adopt some practical measures in order to remove this difficulty?

(c) If the answer be in the negative, will Government enquire into this matter and inform the House of the findings?

THE HON'BLE MR. WAJAHAT HUSSAIN: (Home Minister)

(a) No. Brangi Nullah is a big Nullah and difficulty for want of water is felt only during droughts.

(b) Does not arise.

(c) Yes, in order to satisfy the member Praja Sabha, the matter will be further enquired into through the Irrigation Department and the result intimated to the member Praja Sabha direct.

MR. M. A. BEG: What action has been taken on the report which after enquiry was sent to me two months ago?

THE HON'BLE MR. K. N. KNOX (Revenue Minister): The Divisional Engineer was asked to inspect it at the time of the beginning of the next summer?

MR. M. A. BEG: Thank you, Sir.

Information promised in reply to question serial No. 482 asked on 19th of October 1936 by:—

789. SARDAR KANHAYA SINGH: The contractors of the Lorry Stand in Baramulla Town Area are authorized to realize "Ada Fee" within the limits of the Town Area. But if a driver loads his lorry at a great distance from the limits of the Town Area, for instance at Uri, are the contractors legally competent to realize the Ada Fee on such goods? If the answer be in the affirmative the rule for doing so may please be referred to?

COL. BALDEV SINGH: No. The tax is realized as Adda

fee and not on account of booking of goods or passengers.

Information promised in reply to question serial No. 577 asked on 21st of October 1936 by.

790. COLONEL ABDUR REHMAN: (a) Was an application submitted to the Hon'ble Revenue Minister in Jeth 1993 at the time when he visited Udhampur on the occasion of the opening ceremony of water works at Udhampur by a large number of Sayeds, Telies, Arains, etc., complaining as to why they were excluded from the list of agriculturists?

(b) Did the Hon'ble Minister promise that an early decision would be made in the matter? What action has been taken thereon?

COLONEL BALD V SINGH PATHANIA: The final report is still awaited from the Wazir Wazarat Udhampur. For delay, the wazarat clerk concerned has already been fined Rs. 5 by the Governor Jammu.

Information promised in reply to question serial No 358 asked on 14th of October 1936 by.

791. PANDIT RAM CHANDRA DOBEY: In the month of June 1936 a large number of the coolies of the Kandi Illaqa of District Kathua were killed in Amritsar city and the Dogra Sabha Amritsar invited the attention of the Kashmir Government to the above fact? Will the Government please state the details pertaining to the action taken by the Kashmir Government in this behalf for the information of the public? What were the findings?

LALA HAVELI RAM: Enquiries made from the Amritsar police show that no case was registered with regard to the death of these coolies and no investigation was made as no one reported the matter to the police nor was any information supplied which would have suggested that the deaths were unnatural. The corpses had been eaten up by wild animals and birds and were found on examination in a highly decomposed condition which made it difficult for the police to decide whether the deaths were natural or not.

Information promised in reply to question serial No 736 asked on 26th of October 1936 by:—

792. PANDIT AMAR NATH KAK: Will the Hon'ble Prime Minister be please to state:—

(a) Whether the Government know that a body of Muslims numbering hundreds started from Anantnag towards Mattan on the day when a plot of land measuring about three kanals out of Abadi Deh was enclosed by Muslims there?

(b) Whether the Government know that those people formed an unlawful assembly and imminent breach of peace was apprehended?

- (c) Whether the Government know that for several days after the enclosure of this plot of land of three marlas at Mattan it has become impossible and at least unsafe for Hindus especially ladies and children to stir out of their houses or to go from Mattan and adjoining villages towards Anantnag?
- (d) Whether the Government took any action against the instigators and leaders of this riotous and unlawful assembly whose action was not less than a regular invasion on the Hindu population of Mattan?
- (e) Whether the government has taken any measures to save the life and property of Hindus living in small numbers in isolated places, in view of the fact that such an invasion was possible at a place connected with motor roads and at a distance of five miles only from the Headquarters of the Division and less than forty miles from the summer capital of the State?
- (f) If no action has been taken against the leaders and instigators of this riotous and unlawful assembly and no measures have been taken for saving the life and property of Hindus residing in isolated cut off and far off places from the Headquarters?
- (g) If the Government has not as yet come to know the fact will the government make enquiry through an impartial agency in the matter and take speedy action?

LALA HAVELI RAM : (a) Yes.

(b) The Assembly was not unlawful and no imminent breach of peace was apprehended.

(c) Government have no such information.

(d) Action was taken against such persons as were found to have disturbed the peace.

(e) Beyond deputing some extra police to the spot no special measures have been taken as it was not considered necessary.

(h) Does not arise in view of the reply given to part (c) above.

(g) Does not arise.

Information promised in reply to question serial No. 602 asked on 21st of October 1936 by :—

793. MAJOR MIRZA ATTA MOHAMMED KHAN : (a) Will the Government please place before the House the records

regarding those forty soldiers of Rughunath Body Guard who due to illness came back from Africa to Jammu during the Great War?

(b) Did His Late Highness grant them an interview in the Satwari Hospital?

(c) Are Government aware that His Late Highness issued orders for granting them 12 ghamaons of land each from khalsa area?

(d) Will Government please state whether they were granted land?

(e) If so, will it please be stated as to why land has not been granted so far to Shah Wali Jaral and Fateh Mohammad, sepoy of Body Guard residents of villages Ojan-Dhand-Kot and Mankote of Tehsil Rajouri District Riasi although their files having been prepared were submitted from Tehsil Rajouri to Wazarat Riasi?

COL BALDEV SINGH PATHANIA: (a) No such records are forthcoming from Revenue Department.

(b) There is no record of the alleged interview.

(c) No records to this effect are forthcoming.

(d) No, as there are no orders forthcoming on the subject.

(e) This part of the question does not arise. To clear misunderstanding on the point, it may be stated that two soldiers had applied for land under Ain No. 6. The areas were got measured and files prepared on these applications but as the areas in question were nautor by another person the applicants could not get these areas under rules.

Information proposed in reply to question serial No. 610 asked on 21st of October 1936 by:—

794. MAJOR MIRZA ATTA MOHAMMED KHAN: (a) Does the Hon'ble Revenue Minister know that in reply to question No. 250 (Q. D. No 434) asked on 19th March 1936, the Government have admitted necessity regarding the village paths and bridges?

(b) Will it be stated as to why attention was not paid to the construction of bridges in Tehsil Rajouri like Tehsil Riasi?

(c) Does the Hon'ble Revenue Minister know that in Riasi the Nullahs Thanda-Pani Jamola, Kanda, Ans, Nahari Danain and Daloribai also require bridges to be constructed over them?

(d) Do not the Rajouri-Budhal and Goat Riasi roads stand in need of repairs like other roads? If so, will the Hon'ble Revenue Minister please order for the construction of these bridges and the repair of the roads? If not, why?

THE HONBLE MR. K. N. KNOX (Revenue Minister):—

Reply given in the last session.

(a) This part of the question is unintelligible. In Q. D. No. 434 of the last Jammu Session list of village paths and bridges of Reasi District was asked for and it was supplied.

(b) Expenditure incurred on Rajouri Tehsil roads during the last three years is as follows:—

1989-90	1990-91	1991-92.
1646	12 5	1035

provision is always made in accordance with the requirements reported.

(c) No such report has so far been received from the Governor Jammu.

(d) Government have no information.

(e) Enquiry will be made and provision of funds arranged according to requirements.

M. ATTA MOHAMMED KHAN: Did any officer go on spot to see if there was any necessity of constructing of bridges?

MR. PRESIDENT (Hon'ble Sir Lal Gopal Mukerji Kt.) Enquiry will be made.

Promised reply.

COLONEL BALDEV SINGH: Yes.

M. ATTA MOHAMMED KHAN: My question was whether there is any necessity of constructing bridges over the Nallah Thanda-Pani, Jamola, Ans, Nahari, Danain and Daloribai or not?

HON'BLE MR. K. N. KNOX: Sir, this question was not put in the last session, in which a supplementary question was asked as to whether any officer went to the spot to see if there was any necessity of constructing bridges. The answer has been given.

MR. PRESIDENT (Hon'ble Sir Lal Gopal Mukerji Kt.): A part of your question put in the last session was left unanswered in which you had inquired as to whether any officer went on the spot for inspection. It's reply has been given to you in the affirmative.

M. MIRZA ATTA MOHAMMED KHAN: Was any report received?

HON'BLE MR. K. N. KNOX: This is a new question. In the supplementary question at the last session it was inquired by the member as to whether any officer went on the spot or not. The answer is given that an officer did go. I know nothing if the officer had made any report or not.

MR. PRESIDENT (Sir Lal Gopal Mukerji Kt.): So you require notice?

HON'BLE MR. K. N. KNOX: Yes Sir.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerjee Kt.): (Addressing Major Atta Mohammed) If you give notice of this you will get the reply.

Information promised in reply to question No. 621 asked on 21st October 1936 by.

795. KHAWAJA SANAULLAH SHAH: (a) Are Government aware of the fact that after the estimates for the total cost of setting up tri-junctional pillars, were prepared, the money has been realized from the zamindars at the rate of Rs 4-8-0 for each pillar?

(b) Do Government know that the contracts for the tri-junctional pillars have been granted to zamindars?

(c) Are Government aware of this fact also that the contractors were held responsible for carrying these pillars only up to the river Ghats wherefrom it is now proposed that they shall have to carry these pillars to their respective villages as Begar and that on account of heavy weight (i. e. five or six maunds) of the pillars the zamindars cannot carry them on?

(d) If the above facts are correct do Government realize this hardship which the zamindars are made to suffer in spite of the fact that the total cost has been paid by them in cash? On what grounds the zamindars are made to bear this additional hardship of carrying the pillars from the river Ghats as Begar?

(e) If this is a fact will the Government please issue immediate orders to relieve the poor zamindars of this hardship, so that they may not be compelled to carry these pillars by forced labour from the river Ghats and thus the increasing discontent may be put to an end?

COLONEL BALDEV SINGH: The member Praja Sabha is referred to reply to a similar question of Mirza M. A. Beg Q. D. No. 493 of the current session.

Information promised in reply to question serial No: 658 asked on 22nd of October 1936 by.

796. MAJOR MIRZA ATTA MOHAMMED KHAN: (a) Will the Government please state as to what are the reasons for not refunding upto now the excess money which has been realized by the Revenue Officers in Tehsil Rajouri, District Reasi as land-revenue for reclaimed lands for more than five years and which amounts to Rs. 900 (vide Q. D. No: 449 Jammu session)? Do Government know that the records of the excess charges were submitted by the Tehsil office Rajouri to the Wazarat office Reasi on 9th Poh 1992?

(c) Are Government aware that the zamindars have borrowed this amount at 50 per cent interest?

(c) Are Government aware that the subjects have been put to a great loss by such irregularity?

(d) Will the Government please state as to what measures have been adopted to put an end to this irregularity? If no measures have been adopted so far, what are the reasons therefor?

COLONEL BALDEV SINGH: The refund bills have since been forwarded by the Governor Jammu to the Accountant General for preaudit and unauthorised recoveries will be reimbursed as soon as audit formalities are completed.

Information promised in reply to question serial No: 334 asked on 24th of October 1936 by.

797. LALA SHIV NATH NANDA: Is it a fact that in Section 11, 13 and 14 of the Agriculturist Relief Regulation of 1993, it has been laid down that while passing judgment in a suit against an agriculturist the court should specify whether the decreed amount should be paid in one or more instalments and that the amount of each instalment should be fixed in accordance with the paying capacity of the judgment-debtor?

(b) Though the above mentioned provision of the law clearly authorizes the court to fix a single instalment on some suitable occasion, is it a fact that uptil now, practically, no court has acted in this manner wherefrom it appears that the courts, due to some misunderstanding, believe that many instalments should be fixed in consequence whereof the period of the payment of the decreed amount extends in certain cases to over more than 200 years? (Six instances of payments extending over 75 to 217 years given)

If the reply to (a) and (b) be in the affirmative will the Hon'ble Judicial Minister in order to stop this injustice issue such instructions as may ensure the payment of the decreed amount to the moneylenders in reasonable and proper time?

PT. RAM NATH SHARMA: The files of the six cases referred to in the question have been reexamined by the present Chief Justice, and he is of opinion that all these six cases were duly considered by the first and second appellate courts and proper orders recorded thereon. The Chief Justice does not think that any further action is necessary in the matter. These are matters which can be rectified on appeal. If the lower court misinterprets a rule of law, the High Court alone can say what is the true interpretation of law and the Government cannot be expected to interpret a point of law.

Information promised in reply to question serial No: 44 asked on 29th October 1936 by.

798. CHOUDHARI ABDUL KARIM: Will Government please state as to how many persons in District Mirpur were got imprisoned in the Civil Lockup by the Shaukars in default of payment of debt and what amount of debt was realized through such imprisonment?

What amount was realized in cash and what in kind? What have been the fresh penalties?

PT. RAM NATH SHARMA: The number of persons imprisoned in Civil Jail in the Mirpur district during 1992-93 was 25 and the amount realized was Rs 3442 (Rs 2942 in cash and Rs 500 in kind).

There have been no fresh penalties.

Information promised in reply to question serial No: 726 asked on 26th October 1936 by.

799. BAKSHI MOTI RAM: Will the Hon'ble Judicial Minister kindly state the number of vacancies that occurred in the Judicial Department during 1934-35?

How many out of them were given to Non-Muslims and what percentage out of it was allotted to Non-Kashmiri Pandit Brahmans (Hereditary State Subjects). If none why?

PT. RAM NATH SHARMA: Reply—The following statement will give the desired information:—

No Gazetted appointment was made in 1934-35.

Non-Gazetted.

Name of Office.	No. of vacancies.	Particulars.					
		Hindus.	Non-Kashmiri Brahmans.	Sikhs.	Harijan.	Kashmiri Pandits.	Muslims.
High Court	2	.....	.....	1	.....	.....	1
Session Judge Jammu	9	1	2	1	.....	.....	5
„ „ Kashmir	5	.....	.....	.....	.....	2	3
A. D. M. Jammu	2	.....	.....	.....	1	.....	1
„ Kashmir	1	.....	.....	.....	.....	.....	1
Total	19	1	2	2	1	2	11

The percentage is little over 10 per cent.

In view of the statement submitted the last part of the question does not arise.

Information promised in reply to question serial No: 678 asked on 22nd of October 1936 by.

800. **SABDAR KANHAYA SINGH:** Will Government please state as to what are those Illaqas where the scheme for supplying water for drinking and irrigation purposes which has been prepared by the Government has been carried into effect since the inauguration of the Praja Sabha upto the present time?

COLONEL BALDEV SINGH PATHANIA: (On behalf of Hon'ble the Revenue Minister) The member Praja Sabha is referred to reply given by the Hon'ble Home Minister to Q. D. No. 556 (a) of Pandit Jia Lal Kilam in the last session

Reply to Q. D. No: 556 (a): The Nandi Kuhl canal is under construction and the Tairiagir canal was completed in 1932 and 1933.

Information promised in reply to question serial No: 792 asked on 27th of October 1936 by.

801. **MIRZA M. A. BEG:** (a) Have the lands of the zamindars of the village Gutil Gund, Tehsil Anantnag been acquired for Mundah-Verinag road?

(b) If the answer be in the affirmative, what compensation has been paid to the zamindars for the area thus acquired for the road?

(c) If no compensation has been paid to them, what are the reasons therefor?

(d) Have the lands of the zamindars of any village other than those of village Gutil Gund been brought under the said road?

(e) If the answer to (d) above be in affirmative the information enquired in parts (b) and (c) above may please be given about these villages also?

COLONEL BALDEV SINGH PATHANIA: Definite report from the Governor Kashmir is awaited. Meanwhile revenue on the land has been suspended.

MR. M. A. BEG: Thank you sir.

Information promised in reply to question serial No. 823 asked on 28th of October 1936 by.

802. **MAJOR MIRZA ATTA MOHAMMED KHAN:** Reference to question No 351 (Q. D. No 437) asked on 25th March 1936.

(a) Are Government aware that no period has been specified in Section 113 and 129 of Regulation No 1 of 1989 for partition of joint immovable property etc?

(b) Are Government aware that because of this, the zamindars whether proprietors or tenants are undergoing great troubles?

(c) Are Government aware that there being no specifi-

cation of period the partition cases remain pending for very long time and the subjects run into debts on this account and inspite of this they cannot get their property partitioned? Do not the strong usurp the rights of the poor on account of their being no limitation of time?

(d) Will Government in order to remove this trouble of the poor subjects prescribe some period for this? If not, why? Will Government please examine the files pertaining to partition of land of Mana and Marju of village Ojan Mankote and of Ghulam Ali Manhal of village Saralun, Tehsil Rajouri to serve as instances to show the real need for such a period to be prescribed?

COLONEL BALDEV SINGH PATHANIA: (On behalf of the Hon'ble Revenue Minister) For about three years after 1988 agitation the reconstruction of houses occupied the time and attention of Revenue Officers in Tehsil Rajouri. In the resulting dislocation of work, more important work that had accumulated displaced partition cases which were not followed up keenly even by the parties. The Tehsildar dealing with the case Ghulam Ali etc. versus Ahmed Ali and others of Saranum reports that it has been dismissed in default. The other case Mirzoo versus Khushia and others of Mankote was sent up by the Tehsil in Katik 1993 but returned by the Revenue Assistant again to the Tehsildar for rectification of some statements and for the explanation of defaulting officials on the 6th Poh 1993, for the erroneous statements and delay before Katik 1993. The office Qanungo Tehsil Rajouri has been fined Rs. 10 and a warning has been given to him that if the correct statements are not received within 2 months, he will be suspended?

Information promised in reply to question serial No. 810 asked on 27th October 1936 by.

801. LALA AMAR NATH KOHLI: Will the Hon'ble Judicial Minister be pleased to inform the House as to the following:—

(a) What was the actual number of cases brought by Jammu Municipality against the defaulters?

(b) In how many cases did the parties compromise between themselves before the decision of the court?

(c) In how many cases did the court hold defendant responsible for some offence and what percentage of total decided cases it was?

PT. RAM NATH SHARMA: (a) The number of cases instituted by the Jammu Municipality during 1992-93 was 1489.

(b) The number of cases in which the parties compromised was 499.

(c) The number of cases in which the accused persons were convicted was 187 that is 25 % of the total decided cases.

Information promised in reply to question serial No: 805 asked on 27th of October 1936 by.

804. KHAWAJA AKBAR DAR: What preventive measures the Government have adopted to save the inhabitants of Illaqas Shal-Pathri, Ajas, Pandach and Mirbahari from the troubles which they have to face on account of floods?

HON'BLE MR. WAJAHAT HUSSAIN: Midahari lies along the Dal lake, and is already protected from floods. As soon as the Jhelum rises the Dal Gate is closed. Pandach is a Numbal along Anchar Lake by the Ganderbal road. The Anchar Lake is fed by a branch of the Sindh river and when the Sindh is in flood, the Lake rises. Any measure to prevent this Numbal from rising will involve diversion of the Sindh river. The only practicable remedy is to raise local bunds.

As regards Shalpathri and Ajas, a report has been called for from the Divisional Engineer and will be communicated when received.

Information promised in reply to question serial No 869, 870, and 871 asked on 28th of October 1936 by.

805. LALA AMAR NATH KOLHI: Will the Hon'ble Minister-in charge Police Department be pleased to inform the House as to the following:

(a) What were the total expenses incurred on executive staff, above the rank of Head Constable in the year 1982?

(b) What were the expenses by way of pay etc., on the same staff in the year 1991-92?

What was the total number of cases of theft, arson and loot reported to the Police during the years referred to above i. e. 1982, 1991 and 1992? (Q. D. No. 918 A)

(a) What was the number of cases in which Police successfully rounded up the culprits in these years i. e. 1982 and 1991, 92?

(b) What percentage do the cases, in which the Police was successful in bringing the culprits to book, bear to the total number of cases reported to police during the years referred to above i, e. 1982 and 1991, 92?

(c) Does the Government consider the heavy rise in the expenses justified?

HON'BLE MR. WAJAHAT HUSSAIN: (a) The total sanctioned expenditure for the executive establishment of the Police Force above the rank of Head Constable in the year 1982 was Rs 225464.

(b) The sanctioned expenditure on the same staff above

the rank of Head Constable in the year 1991-92 was Rs 311485.

Q. D. 918-A 1800 in 1982 and 1818 in 1991-92.

Q. D. 918-B (a) 210 in 1982 and 251 in 1991-92.

(b) 11.7 and 13.8

(c) Yes.

Information promised in reply to question serial No: 864 asked on 28th October 1936 by.

806. SHEIKH MOHAMMED AMIN: Will Government please state for the information of the House as to what is the total annual expenditure on the gardens in Srinagar viz. Pratap Bagh, Hazuri Bagh and Zenana Gol Bagh?

HONBLE RAO BAHADUR THAKUR KARTAR SINGH Ji: The following expenditure was incurred during 1991-92:—

	Rs.	a.	p.
1. Harisingh Zenana Park	...	754	6 0
2. Hazuri Bagh	...	1086	9 0
3. Pratap Park	...	1004	13 0

Besides this Rs 42-2-0 were spent on repairs and purchase of tools.

Information promised in reply to question serial No: 872 asked on 28th of October 1936 by.

807. CHOUDHARI ABDULLAH KHAN: Will Government please state as to whether it is a fact that on 28th Chet 1992 in reply to a supplementary question asked in connection with question No. 589 (Q. D. No. 667) the Hon'ble Finance Minister directed me to enquire from the office but no record was shown by the office. After a few days a statement prepared by the Inspector himself was received from the Registrar which consisted of false entries which did not tally with the conditions on spot?

Will Government please state what is written in the annual report which should necessarily be maintained in the office concerning the work done by Abdur Rahman, Inspector Consolidation of Holdings, Circle Sri Ranbir Singhpora and his establishment, from Katik 1990 to Assuj 1991 and during the current year? Is that annual report based on facts verified on spot?

If it is so, which are those villages the work whereof has been completed during this year and wherein mutations have been attested and the transfer of possession has taken place?

HON'BLE RAO BAHADUR THAKUR KARTAR SINGH Ji: The reply to this question will be given tomorrow.

Ch. ABDULLAH KHAN: I withdraw this question.

(NOTE: This question was withdrawn).

Information promised in reply to question serial No 697 asked on 26th of October 1936 by:—

808. MIRZA M. A. REG: It may please be stated at what rate Audit Fund is being realized from the Co-operative Societies of the Kashmir Province and at what rate in the Jammu Province?

(b) If there is any difference between these two rates reasons thereof may please be stated?

HON'BLE RAO BAHADUR THAKUR KARTAR SING JI: Audit and Secretary Fund is realised at $7\frac{1}{2}$ per cent on the profits of societies in each Province separately as this fund for the two Provinces is maintained separately.

MR. PRESIDENT (THE HON'BLE SIR LAL GOPAL MUKERJI KT.).

(Question No. 71-Q. D. No. 43 asked by Moulvi Mohammed Abdulla on the 6th of April) The answer which was given by the Hon'ble Judicial Minister to question No. 71 Q. D. No. 43 asked by Moulvi Mohammed Abdulla on the 6th of April was not correct. It has duly been corrected now and its reply will be read out.

MOULVI MOHAMMED ABDULLA: Sir, I have forgotten the original question. It may please be read out.

PT. RAM NATH SHARMA: I have got it in English.

MR. PRESIDENT (SIR LAL GOPAL MUKERJI KT.) I will read out the question.

"Is it a fact that the land and residential house of agriculturists are exempted from attachment or sale, if not can it be acquisitioned through a receiver or not"?

An incorrect reply was given in this behalf, because we have come to know that such a case is still under the consideration of the High Court. We cannot say anything what judgement will be given by the High Court.

(Pt. Ram Nath Sharma then read out the following reply.)

PT RAM NATH SHARMA: Question No. 71 Q. D. No. 43 asked by to by Moulvi Moh'd Abdulla member Praja Sabha on 6th April 1937 was replied to by the Hon'ble Judicial Minister. It seems necessary to say something about it that when the reply to the above question was given it was unknown to us that a similar case as had been asked in the question was under consideration of the Court of Law. Now it has been brought to the notice of the Hon'ble Judicial Minister that such a question is under the disposal of the Court.

In accordance with the order of the Hon'ble President both the question and reply are being cancelled from the proceeding.

MIAN AHMED YAR: We are thankful to receive a reply after such a long time but it is regretted that this reply has rendered all efforts fruitless.

MR. PRESIDENT (HON'BLE SIR LAL GOPAL MUKERJI KT). There is a piece of Government business. The Hon'ble Mr. K. N. Knox will move that the Praja Sabha do elect in such a manner, as may be directed by the Hon'ble President a non-official member to serve on the Board of Industries Constituted under Section 6 of the State Aid to Industries Regulation IX of 1992 in place of Sh. Moh'd. Amin who had resigned from the Praja Sabha in November last.

THE HON'BLE MR. K. N. KNOX: I move Sir, that the Praja Sabha should elect, in such a manner as may be directed by the Hon'ble the President a non-official member to serve on the Board of Industries constituted under section 6 of the State Aid to Industries Regulation IX of 1992 in place of Sh. Moh'd. Amin, who had resigned from the Praja Sabha in November last.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): (Addressing the House) You will please suggest name.

MIAN AHMED YAR: We propose Sh. Moh'd Amin. He is expert in the task; moreover he is himself a trader. Formely too he has been a member and will prove more useful.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): (Addressing the Hon'ble Revenue Minister) Do you accept?

THE HON'BLE MR. K. N. KNOX: I accept, Sir.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) Sh. Moh'd. Amin who had been a member last time has been elected a member of the board.

There is no work now, therefore the House will rise for the day.

(The Praja Sabha adjourned till next day the 28th April 1937.)

THE
JAMMU AND KASHMIR PRAJA SABHA DEBATES
(Official Report)



VOLUME VI.

PART XIV

(28th April 1937)

SIXTH SESSION

OF THE

FIRST J. & K. PRAJA SABHA.



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JAMMU AND KASHMIR PRAJA SABHA.

Wednesday, the 28th April 1937.
16th Baisakh 1994.

The Praja Sabha met in the Praja Sabha Chambers at Ajaib-ghar on Wednesday at Eleven of the Clock. Mr. President (The Hon'ble Sir Lal Gopal Mukerji Kt.) in the Chair.

SHORT NOTICE QUESTIONS.

PANDIT AMAR NATH KAK : Sir, my submission is that the number of questions to be replied today is very small ; would it not be desirable to read out the questions also before the reply is given?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : All right.

NOTE.—The Assistant Secretary read out the questions one by one.

1. WAZIR GANGA RAM (Reasi :Hindu) : Is it a fact that Car Brand Phenyle, Beliram and Brothers Phenyle have been purchased by the Central Jail, Military Hospitals and some other offices in Jammu and tenders of Messrs Sukh Dev Uppal and Sons, Manufacturers of Disinfectants (Phenyle) Jammu, a firm duly registered *vide* Government Gazette No. 15, dated 10th March 1992 have been ignored though the firm offered to supply better quality at a cheap rate?

If the reply is in the affirmative, will the Hon'ble Home Minister please state why the instructions restricting supply from State firms after giving them 5 per cent. preference over non-State firms have been totally ignored?

If it is ignored on the grounds that this had low R. W. Carbolic Coefficiency, will the Hon'ble Home Minister please lay before the House what standard Carbolic Coefficiency Car Brand and Beli Ram Brothers possess? If these have no coefficiency what are the reasons for ignoring Messrs Sukh Dev Uppal and Sons and giving preference to above?

Will the Hon'ble Home Minister please state what phenyle is used in Epidemic and Tuberculosis Department and what Carbolic Coefficiency do those possess?

If it is a fact that phenyle of strong Carbolic Coefficiency is required in the Medical and other departments, will the Hon'ble

Home Minister please take steps that phenyle manufactured by Messrs Sukh Dev Uppal and Sons having Carbolic Coefficiency of 18-20 tested by the Chemical Examiner be only purchased?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : Messrs Sukh Dev Uppal and Sons' factory was personally inspected by the Director on the 13th February 1937 and much less Carbolic Coefficiency was found in their phenyle therefore their tender was not accepted.

WAZIR GANGA RAM : Will the Government please consider the matter if the firm produces the certificate of Dr. Kanwal Nain?

THE HON'BLE MR. WAJAHAT HUSSAIN : This is a new question.

WAZIR GANGA RAM : It is not a new question but a part of the same question?

THE HON'BLE MR. WAJAHAT HUSSAIN : If they will apply their case will be considered.

2. WAZIR GANGA RAM AND PANDIT AMAR NATH KAK : (a) The attention of Hon'ble Revenue Minister is drawn to the news that has appeared in the "Vir Bharat" of Lahore, dated the 5th April 1937, enclosed herewith and he is asked to state whether he has issued any order or instructions to the effect that :—

(i) Muslims be appointed to all posts held by Muslims now in case any such post falls vacant in future ;

(ii) In future Muslim recruitment be made at the rate of 75 per cent. in departments, where the existing Muslim representation is less than their (Muslim) proportion ; and

(iii) wherever and whenever a vacancy arises Muslims be taken at the rate of 50 per cent.

(b) If the answer to part (a) be in the affirmative, or partly in the affirmative and partly in the negative, will the Hon'ble Revenue Minister be pleased to quote the rule or order of His Highness' Government, which justifies the adoption of such a course of action in services?

(c) Will Hon'ble the Revenue Minister be pleased to withdraw such instructions or orders if issued in view of the replies given on the 5th April 1937 in the Assembly to Sardar Hari Singh?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : (a) No.

(b) and (c) Do not arise.

WAZIR GANGA RAM : The reply given to part (a) is in the negative. The instructions of this kind have not been issued. Will the Government please contradict this news by a press communique and publish the same in the local press?

THE HON'BLE MR. WAJAHAT HUSSAIN : No, Sir, I do not think there is any thing which requires contradiction in the press.

PANDIT AMAR NATH KAK : Sir, the question is, "Is it not

advisable for the Government to issue contradiction so that the people may not be misled as the news has appeared in the local papers''?

THE HON'BLE MR. K. N. KNOX (Revenue Minister) : No, Sir.

3. KHAWAJA ALI MOHAMMED (Fatehkadal-Tenkipura-Srinagar City : Muslim) : (a) Will the Hon'ble Revenue Minister please state whether he has recently submitted a proposal to the Council recommending the appointment of Mr. H. Ali, Assistant Director Kashmir Sericulture as Deputy Director and the post held by him to be filled up by Mr. Ghose, Sericulture Assistant, who is a non-State-subject?

(b) Is it also a fact that the other two posts of Assistant Directors are held by non-Muslims and by this arrangement all the three posts will go to non-Muslims?

(c) Is it also a fact that only one gazetted post out of the five such posts is held by a Muslim and the strength will continue the same as it is at present?

(d) If the reply to the above be in the affirmative, will the Hon'ble Revenue Minister, keeping in view the deplorable paucity of the Muslims in the gazetted cadre of the Department, withdraw the recommendation and resubmit a proposal with due regard to the recommendations of the Glancy Commission?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : (a) The recommendations of the Revenue Minister to Council are confidential and it is not in public interest to disclose them.

(b) Two posts of Assistant Directors are held by non-Muslims?

(c) 1st part.—Yes.

2nd part.—The same reply as to (a).

(d) The Revenue Minister in all his recommendations gives due consideration to the proportion of Muslims.

4. LALA RAM LAL (Illaga Poonch : Hindu) : (a) Is it a fact that in Phagan 1993, when the Police employees of Rawalakot, Illaga Poonch went to village Mang, Tehsil Sidhnoti for holding an inquiry into a case, they were assaulted by one Masahab Khan and his companions and were confined in a house, and that the Sub-Inspector at Rawalakot, on receiving an information on the next day, went to the spot and set the employees of the Police free?

(b) If the reply to (a) be in the affirmative, it may be stated as to what action has been taken against Masahab Khan and his companions, if no action has been taken, why not?

WAZIR FEROZ CHAND (On behalf of the Hon'ble Revenue Minister) : (a) The case is before the courts and the ascertainment of the facts must be left to them.

(b) Does not arise.

LALA RAM LAL : When and in which court was it challaned?

WAZIR FERROZ CHAND : In the court of Sub-Judge Rawalakot.

LALA RAM LAL : When was it done?

WAZIR FERROZ CHAND : I do not know the date, but the case is pending in the court and is being heard.

5. SARDAR KANHAYA SINGH (West Kashmir :Sikh) : Is it a fact that one Sant Ram son of Kanshi Ram of Rajouri who is a non-agriculturist money-lender submitted an application in the Tehsil for setting up a machine for separating rice from the chaff, and that he has been allowed to set up the machine inspite of the fact that the zamindars of Rajouri and the owners of Gharats raised many objections?

(a) Is it also a fact that thousands of kanals of area belonging to the zamindars is irrigated by this canal and that they are already paying the land-revenue for running Gharats and a machine?

(b) Is it also a fact that after the zamindars had raised a hue and cry that Sant Ram will cut off the water of the canal with the result that the quantity of water of the canal will be diminished, the Tehsildar submitted his report, dated the 26th Phagan 1993, to the Wazir Wazarat and the Governor to the effect that if Sant Ram really obstructs the water of the canal, he should not be allowed to do so? Will Government please state as to what order has been passed on it by the Wazir Wazarat or the Governor? Will Government, taking into consideration the rights of the zamindars, be pleased not to grant permission for setting up any more machine which on account of obstructing the water of the canal, may prove harmful to the zamindars?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : Sant Ram applied in Har 1989 and got the Tehsildar's permission for setting up a rice-husking machine. Only Sardar Sohan Singh, another machine-owner, had filed written objections against this permission, while one other person Ahata Kumabar, had raised verbal objections.

(a) From the latest Tehsil report, it appears that about 1,154 kanals of land are irrigated by the main canal from which Sant Ram has taken out water for his mill; and that the only other Gharat is that of Sardar Sohan Singh.

(b) There was no hue and cry, but merely on oral application of 12 persons recorded on 26th Phagan 1993 that Sant Ram should not discharge his race into the main canal again, but should discharge it into an irrigation Kuhl. The Tehsildar Rajouri favoured this prayer in his report dated 26th Phagan 1993 which was received

in the Wazarat office on the 20th Chet. As this matter had been the subject of dispute between Sant Ram and Sohan Singh in Revenue Courts more than once and the parties had challenged each other's statements, the Wazir recorded on the file on 22nd Chet 1993 that he would send up his report to the Governor after local inspection in the presence of the parties. The rule is that no permission is granted for running a machine or a Gharat where irrigation of cultivated lands is endangered.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Yesterday question No. 783 was not replied to, which will be replied today and the Hon'ble Home Minister will read the answer to that question.

Information promised in reply to question Serial No. 783 asked on 27th April 1937 by :—

MAJOR MIRZA ATTA MOHAMMED KHAN (Reasi : Muslim) : (a) Does the Hon'ble Home Minister know that in reply to question No. 631 (Q. D. No. 461) of 6th April 1936 he agreed to survey the Ans canal?

(b) Will it please be stated whether the survey has been made?

(c) Does the Hon'ble Home Minister know that by means of the said canal which will be 16 miles long from village Kandi of Dhangri, the neighbouring lands will be irrigated?

(d) Does the Hon'ble Home Minister know that by emptying this canal into the river Tawi Raiouri the Kandi Illaqa of Deva Batala will be much benefited? If so, will an early attention be paid to the construction of this canal? If not, why?

THE HON'BLE MR. WAJAHAT HUSSAIN : (c) and (d) The Divisional Engineer reports that a detailed report in the matter will be submitted after the Assistant Engineer has gone over the country personally. This he has not been able to do upto now on account of having been engaged on other important works. He has been asked to do the needful as soon as he is free from the construction of various roads in his sub-division.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Now we will proceed with the resolution of Sheikh Mohammed Amin which was under discussion on the previous non-official day. Sheikh Mohammed Amin will please continue his speech.

SHEIKH MOHAMMED AMIN : Sir, the other day I discussed to some extent the resolution before the House about Durbar Move. I was saying that it is inconvenient to have the Head Quarters of certain offices at one place and great loss is caused on account of this. In order to estimate all this I mentioned some of the offices before your honour in order to show how much loss is caused by fixing the Head Quarters of offices at one place and in this connection I quoted as an example the case of Mr. Avery and Bandipur Divisional

Officer to show how the Government had to bear huge expenditure and trouble on account of carrying office records and transferring of officials.

Besides the inconvenience which is felt at the time of budget and the expenditure which has to be borne is quite evident *i. e.* when the budget is prepared and is discussed, officers whose Head Quarters are located at Jammu have to move to Srinagar with their staff and records for budget discussions and other matters. In such circumstances the Government have to bear huge expenses.

It is very strange, locating of the Head Quarters of these offices at any place is not based on any principle. The present system is not compatible with any principle. If it had been based on any principle it would have of course been right to some extent. But the present system is of absolutely no use. The Government has to face difficulties in this matter every day and has to amend this practice every year. If this year the Head Quarter of a prescribed Department is fixed at Jammu, then next year it has to be shifted to Srinagar and in the light of the experience, the Government has changed the Head Quarters of many such Departments which had been located at one place, because many difficulties had arisen in the course of office work. Last year the Head Quarters of Department was fixed at Jammu but soon after this they had to undergo many difficulties on account of which it had to be shifted to Srinagar. Similarly the office of the Director of Remounts experienced many such difficulties in the discharge of their work. Every day the clerks and officers had to carry office records from Srinagar to Jammu and *vice versa*. As a result of which the expenditure increased instead of saving for which the Government did so. For this reason the Government had to issue order to the effect that this office would move with the Durbar.

The Head Quarters of the office of the Director of Land Records was fixed at Jammu likewise but afterwards it was found that this resulted in great loss and the people were inconvenienced. Afterwards the Government decided to make it a moving office. The Head Quarters of the Palace Division was also fixed at Jammu but after one year's experience it was discovered that many difficulties were felt by fixing the Head Quarters of this Department at one place. Although the higher officers wanted that this office should move to Srinagar but they could not do so in the presence of these orders. Now orders have been issued for the move of this office also. Accordingly these offices are ordered to be moving offices. The people of Jammu have complaints about it that most of the offices have their Head Quarters at Srinagar. Take for example the office of the Inspector General of Customs. There is one Superintendent, two Head Clerks and 25 clerks and 9 menials in this office. The total number of officials in this office is 37. Now

we have to see whether it was beneficial to locate its Head Quarter at Jammu or at Srinagar. It was necessary to locate the Head Quarters at Jammu because most of the business men of Jammu have to go to Srinagar 10 or 15 times in a year to settle their cases about Customs duty. If they spend Rs. 20 per trip then it amounts to such a sum which becomes a great burden for them and in return they can derive benefit to a very small extent. If any body has to go to Srinagar for the exemption of a duty of Rs. 10 or Rs. 15 for which he gets nothing.

The second thing for which it is necessary to locate Head Quarters of this Department at Jammu is that Jammu is connected by Railway. There are Commission Agents in Jammu. The claims of the people of Srinagar can easily be settled at Jammu and the businessmen can get many facilities.

Taking the case of the office of the Chief Conservator of Forests I would submit that there are only 12 officials in this office and in spite of it, its Head Quarter has been located at Srinagar. If it had been a moving office, no body would have had any complaint against it. In all such offices, the people of both the provinces are serving. The people of both the provinces are at a disadvantage because their being not moving offices.

The Head Quarters of the office of the Chief Inspectress of Girls Schools is located at Jammu. There are only four clerks in this office. One of them has to go to Srinagar with the Chief Inspectress. There has never been the case that the Chief Inspectress has stayed at Jammu continuously for 12 months in any year. She has to take one or two clerks with her camp to Srinagar. The result is that the work can be done satisfactorily at Jammu not at Srinagar.

There are only two clerks in the office of the Muslim Inspector who has to go to Srinagar in summer. If he takes one clerk with his camp, then only one clerk remains behind at Jammu and it becomes difficult rather impossible to do work at Jammu. Comparing Department to human organism the officers are like "heads" and the clerks represent the rest of the body. If the "head" be at Srinagar what can the rest of the body i. e. clerks alone do at Jammu? In this way it is impossible for them to do work.

A note drafted at Jammu is sent to Srinagar for approval and being approved is sent to Jammu where it is typed and sent back to Srinagar. It is then only that a letter is complete and can be despatched. In this way four or five months are wasted in an ordinary case. Urgent cases also take one or two months time. This seriously affects efficiency. The present system of the location of Head Quarters is not proper and the Head Quarters of offices should be fixed according as it was done in the past. Necessity was twice felt for the changing of the Head Quarters and every time it

entailed loss. Accordingly in January 1930, His Highness the Maharaja Bahadur abolished the system of location and restored the move of full Durbar. During winter when there is snowfall at Srinagar and it is extremely cold the clerks due to severity of cold go to offices at 12 o'clock instead of 11 o'clock which is the office time in winter. They warm themselves for an hour or a half and go home after working for an hour or a half. Thus the work done does not justify the expenditure incurred that is very little amount of work is done as compared to the expenditure incurred by the Government. In Jammu when the heat is at its clinax in the summer the employees of Kashmir Province feel greatly inconvenienced. They cannot sit in the office and contrive every possible means to go to Srinagar and in this way get short leaves to go to Srinagar and on reaching there they make every possible effort to get their leave extended. Sir, it can be imagined how much expenditure the Government has to incur on account of such leave arrangements. At least four or five thousand rupees are spent on leave arrangements. If the whole Durbar moves then the Government would be saved from this unnecessary expenditure.

If the contingent grant of any office is Rs. 2,100 then that office is spending Rs. 1,880 on postage. As huge expenditure is being incurred on postage therefore there is a great need of regularizing the contingent grant. Besides, thousand of rupees are spent on fans during summer at Jammu and on firewood during winter in Kashmir. It estimate such expenses at 20 thousands.

It is said by the Government in favour of the present system of location of Head Quarters that by this a saving of Rs. 14,000 is made I think if 3 big Departments be ordered to move, the expenditure will hardly come to 6 or 8 thousand of rupees. It does not behove the Government that its whole machinery should feel disgusted on this account. With these words I hope that the House will support me and this resolution will be passed. (Cheers)

NOTE.—Pandit Amar Nath Kak stood up in his seat.

THE HON'BLE MR. WAJAHAT HUSSAIN : May I know if he is supporting?

PANDIT AMAR NATH KAK : Therefore I have stood up because the resolution should be supported first.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : All right. Go on.

PANDIT AMAR NATH KAK : Sir, this is the third time that this resolution has been placed before the House for consideration

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Will you please speak in Urdu, otherwise somebody will have to translate your speech.

LALA SHIV NATH NANDA : Perhaps he wants to speak in English for Prime Minister.

PANDIT AMAR NATH KAK : I believe nobody has any objection and I may be permitted to speak in English. I will give the summary of my speech in Urdu when I have finished it.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I do not think you will be able to satisfy the House in this way.

PANDIT JIA LAL KILAM : We want to satisfy the Government.

PANDIT AMAR NATH KAK : All facts and figures with regard to the expenditure and the savings have been placed before the House in the previous session of the Praja Sabha and I would invite the attention of the House to the debates of the second and the fourth sessions of the Praja Sabha in regard to this matter. So it will not be necessary for me to repeat them, as some of the important events have already been given by my learned friend Sheikh Mohammed Amin. The history of this matter is, Sir, that when the present system of administration was started in the State in the year 1946, it was ordained that all the Ministers or Members, whatever designation was given to them from time to time, should move from Srinagar to Jammu and Jammu to Srinagar along with His Highness the Maharaja Sahib Bahadur and consequently the Secretariat Offices and the Departmental Heads with their offices used to move with the Durbar in entirety. Later on, Sir, in the year 1930 His Highness the Maharaja Bahadur commanded that all the offices including the Secretariat should be permanently located at Jammu and only the Ministers and some of the Departmental Heads with their camp offices should move to Srinagar and Jammu. Certain changes were introduced later and lorries etc. were purchased to carry the records from time to time, and it transpired within the course of one or two years that this system was unworkable and the old practice of Durbar Move was restored so far as the Ministerial offices were concerned and some Departmental Heads with their establishment were also allowed to move with the Durbar. Later on, the present system was introduced that some offices were permanently located at Srinagar and some at Jammu. Now the resolution which has been before the House for the last three sessions is that

"This Praja Sabha recommends to the Council that the present system of locating the Head Quarters of offices at one place be abolished and the system of move in case of all those offices which used to move with the Durbar to Srinagar and Jammu be reintroduced as in the past".

This matter was put before the Government in the form of questions by several members including myself from time to time and the only reply given throughout was that the location of offices at particular places was simply in consideration of economy in ex-

penditure and no other reason was given and nowhere it was mentioned that there were any executive or administrative grounds on which it was necessary that particular offices should be located at a particular place. All stress was laid on economy and it was told that there had been a saving of two hundred rupees in such and such department and of three hundred in another and so on. Nowhere this fact was taken into consideration what the consequent loss to the administration would be in the shape of dislocation of work and the delay in the disposal of the cases pending before the Ministers or before the Departmental Heads in the Camp Offices. Now, Sir, particular instances have been given by my learned friend Sheikh Mohammed Amin and I quote one or two only at this state to show that this economy, as the experience has shown, is a false economy. For instance Sheikh Mohammed Amin has quoted the case of the Chief Inspectress of Schools whose Head Quarter is located at Jammu. She has two or three clerks. She moves to Srinagar in summer. She must take some clerks with her. It is of course very necessary for her to go to Kashmir because the educational problem is much more complicated there as against here. When one or two clerks are left here I do not understand what useful purpose can be served if two clerks are kept at Jammu and two at Srinagar, with the Inspectress. Similar is the case of Muslim Inspector. I do not know what the exact number of clerks with his is

VOICES : Two only, two only.

The problem of Muslim education deserves more consideration in the province of Srinagar where the population of Muslims is larger and the circumstances have demanded that the Muslim Inspector should spend larger time at Kashmir. His Head Quarter also is located at Jammu. He also must move to Srinagar not only once as in the case of Durbar Move, but he has to move several times. How much extra T. A. he takes and how much work he can possibly do? It will appear that the gain is trivial and the loss is tremendous. Then, Sir, you will see the case of the Chief Engineer of Public Works Department. It is quite evident that in the hottest months it is not possible to carry on any construction work in Jammu satisfactorily and the construction work is carried on in Kashmir mostly in summer months. Now the presence of the Chief Engineer would be required in Kashmir in summer and if we take into consideration the amount spent on works in the two provinces, it will be known that Kashmir is not less important. So he will have to take his camp office there. And when an application for a tender is submitted to him, he has to send for office report from Jammu which takes 15 days. Sometimes it so happens that tenders are called from Srinagar contractors and they do not know whether their tenders have been accepted or not. I need not

multiply matter and I would submit that if the financial authorities of the Government, I mean the Hon'ble Finance Minister and the Accountant General, will inquire into this matter in detail taking into consideration all the items of expenditure including the potage, carriage of records, telegraph charges, coolies expenses, fan and firewood expenses and every other thing, then it will appear that expenditure has increased on the whole and has not decreased, and the decrease shown only in case of T. A. is trivial as compared to the increase in other heads. As regards expenditure I will give a concrete example which I came to know during my professional duties, that is the case of stationery. The Director of Industries is incharge of the Stationery Depot. His office is located at Jammu. As the Stationery Depot at Srinagar has been abolished the Depot now is located at Jammu. The Government believes that this change in the Head Quarters results in a saving of two or three thousand rupees to the Government. But what happened? The freight charges were excluded from the budget of the Industries Department. There was practical difficulty experienced. The stationery had to be supplied to the department at Srinagar also and tenders had to be called for carriage of stationery from Jammu and Srinagar. When the contractor submits his bill he is told by the Industries Department that there is no such grant from where his bill could be paid, and that he should submit his bill for payment to the department concerned. But they also say that there is no grant sanctioned in their budget for such expenditure. Then a direction is issued that payment be made out of the contingencies grant but the amount of the claims of the contractor exceeds the amount that can be met out of the contingent grant and he is therefore paid only a part of his claims. The claim of the contractor is worth ten thousand rupees and the saving under the contingencies head is three thousand rupees. As a result the contractor has to issue several notices to the departments for payment and special provision is consequently made to make the payment. By this procedure the contractor can get payment of his bill hardly in two to three years time. Now what happens afterwards, special grant is sanctioned made of four or five thousand rupees to meet the expenditure on freight from Jammu to Srinagar and God knows how many more grants may be proposed in future for the carriage charges of the stationery. Now my submission further is that in case of several articles supplied to the Government the tenders given by different contractors previously included the freight charges up to the Depot itself in Srinagar or Jammu. The delivery was given free of all charges at the Depot and the contractor was responsible for break-ages etc. Now when the stationery is supplied in piecemeals arrangement the expenses that the Government have to pay are much higher. My submission Sir, is that instead of our giving the

details here about all the departments, if an inquiry is started it will appear that expenditure now is much more than before when all the offices used to move with Durbar and consequent gain to the Government therefore is none. Moreover as my friend Sheikh Mohammed Amin has mentioned, the clerks detained at Jammu cannot work on account of extreme heat in the summer and those who now do not come here at Jammu during the winter and whose Head Quarters have been fixed at Srinagar, cannot work on account of the extreme cold there.

The arrangement which was in vogue in the State before this was that the offices of the Departmental Heads used to move with the Durbar from Srinagar to Jammu and *vice versa*. This procedure added to the efficiency of the Departments and also facilitated the work and the arrangement was quite satisfactory. This is why this resolution has been moved by us. We therefore request that the previous arrangements may be restored and all those offices which used to move with the Government from Srinagar to Jammu and *vice versa* should be allowed to move with the Durbar.

LALA HANS RAJ : Had it been explained to me in Urdu, I would have been able to speak much about this resolution.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : (Addressing Mr. Kak) Will you please explain briefly in vernacular?

PANDIT AMAR NATH KAK : I stated that the only reason given for the location of the Head Quarters of certain offices at Jammu and at Srinagar was simply the consideration of economy in expenditure. The arrangement which was in vogue in the State before this was that all offices of the Departmental Heads used to move with the Durbar from Jammu to Srinagar and *vice versa*. This procedure facilitated the work and the arrangement was quite satisfactory. Later on the Head Quarters of all the offices were fixed at Jammu but immediately after this the Secretariat offices were allowed to move from Jammu to Srinagar and *vice versa* and the Head Quarters of the offices, some of the Departments were fixed at Jammu and of some at Srinagar. This affects all matters. The high officers move to Srinagar in summer but the poor clerks are detained at Jammu. It is our submission that the same facilities be afforded to these poor clerks which are enjoyed by these high officers.

LALA HANS RAJ : Sir, I did not know that this resolution was to be moved today. This is why I cannot give expression to my views before your honour at this time as I intended. However much has been argued by Sheikh Mohammed Amin and Pandit Amar Nath Kak with regard to the circumstances on account of which it was decided that less important offices should not move with the Durbar and both of them have requested for changing the practice. I submit about it that when the present system of Durbar

Move was enforced all matters were discussed that is it was done after great deliberations. The Government have to see that the expenditure may not increase by modifying the present system. Do you wish that all the offices should move to Srinagar that is this place should be deserted.

A VOICE : The offices will remain here and will move to that place too.

LALA HANS RAJ : My submission is that I am not opposed to this resolution. But we have to see whether this report of the then Accountant General should be taken into consideration or not?

PANDIT JIA LAL KILAM : Sir, I could not find out from the speech of my friend Lala Hans Raj whether he has supported it or opposed it. I want to submit to you and through you to Lala Sahib that there is a great political importance in it. Messrs Mohammed Amin and Kak Sahib explaining much about its economic importance have advanced their arguments before your honour. But I want to submit that this practice is in vogue from old times that the offices should stay sometime at Jammu and sometime at Srinagar. A great political purpose was underlying this. At present the question before us is that the political relations between Jammu and Kashmir should continue to be good for ever. Jammu and Kashmir had separate histories upto 1846. After that one flag flew there because it was ruled by one Maharaja. I mean to say that in 1846 Maharaja Gulab Singh became the ruler of Jammu and Kashmir. He was thoroughly conversant with politics. He in the position of a ruler of Jammu and Kashmir intended that there may be a bond of love between the people of the two countries. This is why all the offices and Ministers used to move to Jammu in winter. They used to make acquaintance and establish friendly relations with the people of that country. They could learn something from each other. In the same way all the offices and Ministers moved to Srinagar in summer and developed mutual relations and acquaintances with them. This is why the relations between Jammu and Kashmir uptill now have been friendly and deep and no dissension of any sort arose between them upto this time. I hope that the same friendly relations will continue in future. If we wish that pleasant relations should exist between the two countries and dissension of any sort should not rise then such an arrangement should be made by which these people should remain in touch and good relations should continue among them. Sir, it is only a 12 hour's journey from Jammu to Kashmir and no difficulty is experienced. At present there are Motor roads and every sort of facilities are provided but in the past when the offices used to move it took seven or eight days in coming from Jammu to Srinagar and *vice versa* and

many hardships were encountered. Due to the political reasons the offices still moved from Jammu to Srinagar and *vice versa*. Therefore I submit to your honour that the House should give serious thought to it. Previously when this matter was taken up, Agha Syed Hussain was the then Home Minister, and all these political reasons were told by him before the Durbar and the Durbar admitted all this. He explained to the Government.....

RAO BAHADUR MAJOR GENERAL THAKUR JANAK SINGH Ji : (To Agha Syed Hussain) You are being praised.

PANDIT JIA LAL KILAM : (To Thakur Janak Singh Ji) I intended to praise you also but could not find the opportunity to do so.

With these words I support the resolution and conclude my speech.

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR (Prime Minister) : Sir, I shall be very brief in the few observations that I have to make on the resolution. It is, coming as I do from Southern India, a somewhat new experience for me to answer a resolution recommending the move of the offices from the plains to the hills and back as in other legislatures of which I have experience the general demand is against the move of Government offices to the hills rather than in its favour because of the expenditure entailed. I do not want to oppose the move of the offices from the plains to the hills and back. I have not lived for a sufficiently long time in the State and therefore cannot give any opinion whether this resolution can be accepted in its present form or not. I certainly can conceive that in respect of certain departments and establishments either in Jammu or in Srinagar there must be a case to be re-examined to ascertain whether it is possible to move one or more of these with the Durbar. I can give the House this assurance that the question will be re-examined once again whether these should be permanently located at one place or allowed to move with the Durbar. Only last week the Government decided one case. It was the case of the move of the office of the Director of Land Records and his office was allowed to move with the Durbar. I am quite willing to examine once again the case of the other offices with regard to their move with the Durbar and see whether it will be possible to meet the wishes of the hon'ble mover. At present I am not in a position to give any further assurance. If, with the assurance I have given, the mover is satisfied, I would like him to withdraw the resolution.

SHEIKH MOHAMMED AMIN : Sir, In regard to whatever the Hon'ble Prime Minister has said I submit that a similar promise was made in the last Session that enquiry would be made about it and if possible this system would be abolished. I submit that the Hon'ble Prime Minister has not thoroughly considered this resolu-

tion. I do not mean all the offices but those which used to move in the past. There are about five or six such offices in Jammu and Kashmir. Two or three of these are already moving and this pertains to only two or three remaining offices. The Government will neither have any difficulty nor incur any additional expenditure if all these are moved. The Hon'ble Prime Minister stated that in British India Offices also move to hilly Illaqas in summer. I submit that it is a different case and is not applicable to Jammu and Kashmir. In British India all the Offices which move to Simla or other places move simply for pleasure and recreation. But here in the State the case is quite different. Both Jammu and Kashmir are the Head Quarters of the Government. Besides there are other things also. I wish that all of you and the Government too should support it and it may be balloted.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : As no body wants to speak now on this resolution, therefore the question is that this Praja Sabha recommends to the Council that the present system of locating the Head Quarters of offices at one place be abolished and the system of move in case of all these offices which used to move with the Durbar to Srinagar and Jammu be reintroduced as in the past. Now you have to give your opinion by means of ballot. Those gentlemen who want that this resolution be passed will write "Yes" and those against it will write "No".

PANDIT RAM NATH SHARMA : My point of order Sir !

One of the members has just moved from his seat and has come near the nominated members for canvassing. Is it allowed?

PANDIT LOK NATH SHARMA : Yes Sir, it is allowed.

PANDIT JAI LAL KILAM : Sir, my answer is that I have been all along canvassing in my speech and secondly they have got sense enough to vote.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : 37 votes in favour and 29 against it.

(Cheers from opposite benches)

TODAY'S RESOLUTION.

RESOLUTION NO. I OF MIAN AHMED YAR.

NOTE.—The Assistant Secretary read out the following resolution of Mian Ahmed Yar.—

"This Praja Sabha recommends to the Council that in Dannah, Titwal, Keran and Kohri of Muzaffarabad District upper middle classes be added to the admitted schools and necessary buildings provided by for these schools according to requirements".

MIAN AHMED YAR : It will appear from the resolution which is moved for consideration before the House that it aims at the improvement of some Illaqas. But I submit that all those Illaqas to which this resolution pertains are backward in the State in every

respect whether social, educational or economical.

These four places Dannah, Titwal, Keran and Kohri lie at a great distance from the main road and the means of communication are fraught with dangers the routes being impassable. Keran is situated at a distance of 80 miles from Muzaffarabad. There is only one High School at Muzaffarabad. These 80 miles journey is difficult and so dangerous that even the mountaineers who are accustomed to going by these ways fall down and die. Apart from the fact that the way is very long and the people of this place do not even get the bare necessities of life, and are crying for bread. Under such circumstances how the inhabitants of these Illaqs can bear the expenses of sending their children to Muzaffarabad from a distance of 80, 40 or 20 miles? However if the Government thinks it necessary to turn such people to useful citizens then the education should be popularised. By popularising Education the moral condition of the people of these far off Illaqs can be improved. The only objection that can be raised against giving a practical shape to this resolution is the plea for lack of funds. I think it proper to submit that two things are very essential for the existence of human being, that is body and soul. In order to maintain the body it is necessary to extend the means of subsistence and for the soul education is very necessary. Just as food is as soul to the body likewise education is as food to the soul. Therefore it should be the foremost duty of the Government to improve the means of education in this Illaqa so that the people may be able to express their views satisfactorily and become capable to submit their demands. I think it necessary to submit in this connection that it has ever been the policy of the Government in Frontier Illaqs to adopt such means whereby the frontier tribes who are warlike and wild spirited be civilized. Therefore in order to achieve this object the education was popularized among them. In Peshawar too much attention is paid to the education. Besides in order to tame the frontier people they are sent for acquiring higher education to foreign countries by incurring heavy expenses on this account. By awarding them stipends they are tempted to receive education and it is a fact that to encourage education steps are taken there to such an extent that a man of very little education can get a good job. The condition of the people who were notorious for being warlike and wild spirited has been improved through education to such an extent that they have become civilized now. They are quite different now from what they were fifty or sixty years ago. When the condition of the Illaqa about which the resolution has been moved be as backward as that of the Frontier, then why the Government should not divert its attention to that Illaqa.

Similar is the case of Dannah. It is situated on the top of a

hill at a distance of 12 or 14 miles towards Kohala. The people of the place always complain of the lack of means of education. It is upto seventh class that arrangements for education are provided there at present. It should be raised to an upper middle school. But the present building is not suitable from the sanitation point of view. It adversely affects the health of the children. There are also no grounds for purposes of sports and physical exercise.

The Illaqa of Uri and Lachnai are hilly. There is a sufficient number of primary schools in the villages all round but the absence of a middle school is greatly felt. The students of that Illaqa after completing the course of primary education are rendered unfit for taking to agriculture or entering in any service or adopting any other occupation. This incomplete education cannot make them a useful subject of the State.

Besides Government has joint interests in the welfare of these Illaqa*s i. e.* the Illaqa is the home of big Jagirdars. In return for their political services which they render to the State their sons are taken into Government service. Therefore it is necessary to educate them in order that they should prove themselves as efficient servants.

Titwal is the Head Quarter of Tehsil Karnah. The Offices of D. F. O. and Tehsildar etc. are at Titwal. The whole of the tehsil is hilly and the means of communication are fraught with dangers. The absence of a middle school at the Head Quarters of the tehsil is very disappointing. I think you would not be able to find any such instance throughout the State.

Similar is the case of Keran Illaqa. Chilas is situated at a distance of 35 or 40 miles from it and it is inhabited by independent tribes. The mischief of these peoples come to the notice of the Government. Had there been any arrangements for their education, they would have been reformed to a great extent.

Under these circumstances this resolution now moved before the House is very important. The Government should have no hesitation in accepting it. There must at least be arrangement for the education of the people of this part of the country who also contribute to the Government treasury. An objection as to the lack of funds will be raised. But I submit that formerly the State was carrying its administration with an income of Rs. 75 thousand. Since many a tax has been imposed and the income has been increased and high salaried posts have also been created. Influential persons have got their relatives appointed. But in spite of this the income of our State increased from seventy-five thousand to two crores and 47 lacs. What is all this due to? It is the outcome of the hard work of the citizen. It is not just if we do not spend something out of it to improve his condition. It is not a matter

of pride for a good Government. The people should be given something in return in this way that the money should be spent on the works of public utility and this is what should be the ardent desire of a popular Government. It is not only from the wordly point of view that the encouragement of education is necessary but it is based on religious grounds also, and it was therefore that this was done even in the ancient times. It is also the intention of His Highness the Maharaja Bahadur to encourage education. His tour to the Western countries has added to his desire for its progress. It is essential for a popular Government to devise means for the welfare of the people and to consider the submissions of their representatives so that they may repose full confidence in the Government. The prestige of the Government will be enhanced by spending on the works of public utility and feelings of true allegiance will be created in the minds of the people. Therefore with these words I submit before the House the requirements of my district and request that in view of these conditions which I have mentioned in brief, the House may support me.

SHEIKH MOHAMMED AMIN : While supporting the resolution of my learned friend Mian Ahmed Yar I want to submit that it is very necessary to make arrangements for the opening of schools at those places from where the schools are at a distance of 11 or 12 miles, so that the children of that place should not have any difficulty in receiving education for which the Government is very anxious. I submit that the upper middle class should necessarily be added to all the schools in the Muzaffarabad district. Under these conditions it is imperative on the Government especially when the Government admits that it is ever ready to devote its attention to education. The Government thinks that it is making every possible effort to extend education. Therefore it is necessary to make up this deficiency.

COLONEL ABDUR RAHMAN : I support Mian Ahmed Yar's resolution and further submit that the Hon'ble Home Minister has given us much assurance about the schools though the number of the schools at present is not adequate, because there are some places where there are not schools within the radius of 20 or 25 miles. The schools are badly needed at such places. The people can neither become civilized nor make any progress unless the schools are opened for education. We do not complain against it but we think it necessary to submit that the schools be opened at places wherever they are needed. This demand is not only for Muzaffarabad but for all places. Therefore I support this resolution.

THE HON'BLE MR. WAJAHAT HUSSAIN : Do you intend to amend this resolution.

COLONEL ABDUR RAHMAN : No Sir, I submit that the num-

ber of schools may be increased.

SARDAR KANHAYA SINGH : The mover has advanced good many arguments in support of the resolution he has moved. I also want to submit something. It has been stated by the Government that the question of opening of schools in the remotest Illaqa is also taken into consideration. But I submit that Kernah, Titwal, Dannah etc. are places where there are already lower middle classes and if upper middle classes be added there, it can fulfil the greatest need of the people. The students of all the communities *i. e.* Hindus, Muslims and Sikhs receive education in these schools. Therefore all the communities can be equally benefited by it.

The Forest Department generally complains of Kuth smuggling in this Illaqa. If the people of this Illaqa are educated they will desist from such activities. The number of the cases of thefts etc. will be reduced and the people will become conscious of the evil consequences of such acts.

THE HON'BLE MR. WAJAHAT HUSSAIN : My friend Mian Ahmed Yar while moving this resolution has described the geography of Muzaffarabad Illaqa. I want to inform the House about the political importance of this Illaqa. It is this Illaqa which has returned Sardar Kanhaya Singh and Mian Ahmed Yar as members of this House. They in fact could not but demand the opening of upper middle schools at these four places. Many a time I have stated before the House about the fundamental difficulties that stand in the way of fulfilling such demands. The Standing Education Committee has been given full powers by the Council and the Home Minister for the opening of the schools. The members of this Committee have been elected from the members of the Praja Sabha. If it is intended that the attention of the Standing Education Committee be not drawn to the raising of these four schools to the standard of upper middle schools and that the matter should be considered by the Council alone, I don't think this will be a reasonable demand. The appointment of Standing Committee implies the principle of democracy. We have delegated powers to the Standing Committee and cannot withdraw these. If Mian Ahmed Yar's resolution be carefully examined we will find that it asks raising these four schools to the standard of upper middle schools as well as the providing of buildings. Mian Ahmed Yar has stated many things in his speech as to how the people can become prosperous. This is not the point in issue. If he moves a resolution about such requirements then I am prepared to say on behalf of the Government that his ideas are commendable, that education should be encouraged is a fine sentiment. We fully endorse this feeling and have nothing to say against it. I want to inform the House that the policy of the Government is to open 35 primary schools every year in the State and action

is being taken accordingly.

VOICES : How many schools were opened last year?

THE HON'BLE MR. WAJAHAT HUSSAIN : There should be a notice for it. (Laughter)

This is the test of my memory.

Last year at the time of budget discussions my friends staged a walk-out. Had they been present at that time, in the House, they would never have raised such points.

SHEIKH MOHAMMED AMIN : The number shown in the budget is 30.

THE HON'BLE MR. WAJAHAT HUSSAIN : Girls schools are also opened and the Government is paying due attention to the question of female education. The Government intends to extend primary education as early as possible. Besides primary education it is also necessary to provide arrangements for secondary education also. This is why every year 8 new Lower Middle and 4 new Upper Middle schools are opened and for primary education, 35 primary schools are opened. Now the question is whether the middle schools or the primary schools be opened. I know that the opening of a primary school entails an expenditure from Rs. 300 to Rs. 500 and for Middle schools the expenditure is Rs. 800 to Rs. 1,200. It means that we can open four primary schools instead of one Middle school. I thought Mian Ahmed Yar and Sardar Kanhaya Singh would ask for opening a large number of primary schools. It is surprising to see that a resolution like this has been moved. The fact is that there are already lower middle schools at Titwal and Keran. There was a lower middle school at Danna, upto last year. Kohri is a small place with a primary school and there is no middle school.

The Standing Education Committee has proposed to open an Upper Middle School at Danna. That is before this resolution was moved in the Praja Sabha, one-fourth of it was already under the consideration of the Standing Committee. If this resolution is accepted, it will mean that three middle schools will have to be opened only in one Illaqa of one province of the State. As we open only four middle schools in a year, therefore only one school will remain to be opened in the Jammu province. Thus it would not be possible to open any school in all those Illaqas which are backward. It is regretted that this resolution cannot be accepted on these grounds. I would request my friends that they should not move such resolutions in the Praja Sabha. They ought to bring such motions before the Standing Committee. I believe that the Standing Committee will satisfy them in all respects and will consider their demand sympathetically. (Cheers)

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) :

As all those who had to speak about this resolution have spoken so, now it is to be decided by ballot.

VOICES : By show of hands.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Those members who are in favour of the resolution will please raise their hands. (Heads were raised)

Those who are against it will also raise their hands. (Hands were raised) (after counting the hands).

22 are in favour of and 39 against the resolution. Therefore the resolution is taken to be lost.

RESOLUTION NO. "XX" 2.

NOTE. - The Assistant Secretary read out the following resolution of Pandit Jia Lal Kilam :

"This Praja Sabha recommends to the Council that merit should be the sole criterion for appointment to Government posts".

PANDIT JIA LAL KILAM : Sir, when I came over to this place today.....

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Would not you speak in Urdu please? So many people are deprived of your speech in this way.

PANDIT JIA LAL KILAM : My resolution has more connection with the Government and the Rules also permit me Sir to speak in English. With your honour's permission, I would like to make my speech in English.

A VOICE : It will be better if you speak in Urdu.

PANDIT JIA LAL KILAM : That is my look-out?. (Addressing to the Hon'ble President) : My submission is Sir that I have to read certain documents in English and I may be handicapped in my submissions if I were to speak in Urdu. Moreover, Sir this is not the first time that we are going to speak in English. We have been doing it previously also. I hope your honour would kindly agree to it.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The language of the House is Urdu and if certain members demand that the speech may be made in Urdu, I do not see how can I refuse it.

PANDIT JIA LAL KILAM AND GENERAL JANAK SINGH : The language of the House is both English and Urdu. Kindly see Rule No. 1 of the Rules of Business.

NOTE - The Hon'ble President read the Rule No. 1. and decided that an hon'ble member could have his own choice.

PANDIT LOK NATH SHARMA : Sir, if you take into consideration Rule No. 28 clause 4 it is clear that the discretion is vested in the President to have the speeches translated by the official translators.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : But who is he, who will be able to do it.

PANDIT JIA LAL KILAM : Sir, I will solve the difficulty. For my speech I will do the translation myself.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : (To Pandit Jia Lal Kilam) All right you can have your choice.

NOTE.—Before Pandit Jia Lal Kilam proceeded with his speech Mr. M. A. Beg raised a point of order.

MR. M. A. BEG : Sir, I want to lay before your honour the objection which I raised on 27th Chet 1993 in the House. The point raised was about the resolution which was moved by Wazir Ganga Ram relating to the appointment of a Public Services Commission. The resolution was as under :—

“This Praja Sabha recommends to the Council that a Public Service Commission to keep the standard of efficiency by immediately established in the State and a bill regarding it be drawn in the House by the Government”.

This resolution was about maintaining the standard of efficiency in service and it contained a demand for the appointment of a Public Service Commission.

At that time when I raised this point before the House I requested the Hon'ble President to give ruling. Wazir Ganga Ram on my this point of order withdrew his resolution under rule 77 with the permission of the House. So far as the present resolution is concerned, I submit that the resolutions of Wazir Ganga Ram and Pandit Jia Lal Kilam are of the same nature. Wazir Ganga Ram intended to keep up a standard of efficiency in Government services and the present resolution also aims at the same thing. In my opinion both these resolutions raise the same point and are substantially identical. The only difference is that Wazir Ganga Ram requests for the appointment of a Commission in order to keep the standard of efficiency in Government services and says that a bill regarding it be introduced in the House by the Government that is he demands from the Government that in order to give statutory powers to that Commission, a bill be introduced in the House. Mr. Kilam does not want this. He neither feels the necessity of a bill nor that of the appointment of a Commission. He wants to submit his recommendations direct to the Council that merit should be the sole criterion for appointment to Government posts.

I was submitting that the object of Wazir Sahib's resolution was to fix a standard of efficiency in Government services and Mr. Kilam's resolution is in essence the same, that is, merit should be the sole criterion in Government services. The object of both the resolutions is the same. The only difference is that Wazir Sahib wants to achieve his object through the Commission fixing the standard of efficiency in Government service and for passing a law for this purpose. Mr. Kilam only wants a recommendation to the Council and does not seek the appointment of a Commission. But

the underlying object is the same. When both the resolutions are fundamentally the same and if the former resolution has been withdrawn with the permission of the House, then I submit that this resolution cannot be moved. Under Section 2 of Rule 81 of Rules of Business and Procedure. (Read out the rule) Therefore if your honour will permit Mr. Kilam to move his resolution, I am afraid that the Rule 81 will be violated. As the principle underlying these two resolutions is the same so I would request that your honour may kindly give your ruling. When the former resolution has been withdrawn with the permission of the House, then, another resolution which was substantially of the same issue cannot be moved in the House.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : *Ruling.*—Mr. M. A. Beg has raised a point of order and it is this : On 8th April 1937 Wazir Ganga Ram moved the following resolution :—

“This Praja Sabha recommends to the Council that a Public Service Commission to keep the standard of efficiency be immediately established in this State and a Bill regarding it be drawn up and introduced in the House by the Government”.

Mr. Beg's contention is that this resolution was in effect and in essence the same resolution as is now being moved by Pandit Jia Lal Kilam. Pandit Kilam's resolution is as follows :—

“This Praja Sabha recommends to the Council that merit should be the sole criterion for appointment to Government posts”.

Mr. Beg relies on sub-rule (2) of Rule 81 of the Rules of Business and Procedure and I have to see whether substantially the two resolutions are one and the same.

Sub-rule (2) of Rule 81 runs as follows :—

“When a resolution has been disallowed..... withdrawn with the leave of the Assembly, no resolution raising substantially the same question shall be moved during the same session”.

The question raised before me is one of interpretation and I have given my consideration over the point raised. In my opinion the two resolutions are as wide apart as any can possibly be. Wazir Ganga Ram's resolution sought the setting up of a Public Service Commission and it also sought the bringing into the House of a Bill to achieve the object. The object was that the Public Service Commission would be able to keep the standard of efficiency in the public services. The resolution which is now sought to be moved requires that merit should be the sole test for selection of candidates for appointment in Government Service. The object no doubt of the Public Service Commission as announced by Wazir Ganga Ram was that a certain amount of efficiency would be looked into by the Public Service Commission before candidates

were appointed to the State Service. But Pandit Jia Lal Kilam's resolution aims at merit being the sole test for appointment. It is one thing that a certain standard of efficiency should be established for appointment and it is another thing that in selecting candidates for appointment their merit alone should be regarded.

I rule that the resolution now proposed to be moved before the House can be moved.

PANDIT JIA LAL KILAM : I would like to submit that this morning when I was coming to attend the House, I was handed over a paper which contained a number of amendments by certain of my friends to the resolution which has been put forward by me. I would like to mention at the very outset that the resolution which I am moving now is not intended to prejudice the interests of any community or is not directed against any community or has not been moved with a view to raise any communal issue. If I have put this resolution before this House, it is only with the object of finding some scientific solution for all those problems which are of a deep concern in our State. My submission is that I am a visionary by nature and I want to visualize that time when that true stage of manhood will be reached; when we will have our mission the achievement of true form of Government *i. e.* Government of the people, by the people and for the people. When such a state of affairs will prevail then, Communalism will be banished from the world, and it will flourish in the services till a scientific solution of the matter is reached. I would like to make it perfectly clear though I am not going to raise any communal issue that all the posts in the State should be regulated by merit and efficiency alone and merit and efficiency should only be the criterion for getting Government Jobs. Communalism should not find its way in services. My submission is that religion should not be made an instrument in matters temporal that such and such belongs to such and such community and therefore he should be granted the particular post. The mere fact of his belonging to a particular community stands as a qualification for him to get a particular job and such a procedure is more or less an insult to the religion. My submission is that religion should not be exploited like this. I visualize that stage of human progress at which all these communal barriers will go to winds, and a rational economic structure of society will be formed. I have therefore put this resolution before your honour keeping in view that point alone and is not at all surcharged with communal bias. . . .

I think best men in State Service and in His Majesty's Service will be with me when I present this resolution to my countrymen. My submission Sir, is that in the "Hindu" of Madras dated Saturday the 17th of April 1937, I have just seen the result of an interview of a deputation of Hindus of Hyderabad with Sir Akbar Haideri and its contents are "Regarding the representa-

tion of Hindus in the public services. Sir Akbar Haideri said that the administration could not be based on percentages of communities but on consideration of merit and efficiency and that if particular grievances were brought to him to show that merit or efficiency were set aside because of communal bias, he would certainly enquire into the matter".

Your honour may be pleased to know that Sir Akbar Haideri also agrees with me that the administration of a country cannot be based on percentage of communities but on consideration of merit and efficiency. Further in support of my resolution I may draw your honour's attention to an august message of His Highness the Maharaja Bahadur, dated 19th July 1937, in which we find :—

"In regard to recruitment for the State services prior consideration is and shall always be given to the public interest and the obligation of maintaining the efficiency of the administration at the highest possible level can never be overlooked. There is also no desire to follow a blind rule of percentage for the various communities irrespective of consideration of qualification and merit". But the conditions here in the State are quite different. Even the recommendations of the Glancy Commission are in favour of my resolution. I will request your honour to see page 19 of the Glancy Commission Report.

"As regards the first of three points namely the minimum qualification, it is not suggested that there should be different standards for different communities, such an arrangement could only result in retarding the development of that community which had the misfortune to be so favoured. In course of time pure competition may come to regulate all appointments. But in the present state of affairs the standard should not be more exacting than efficiency demands and those who possess qualification in excess of that standard should not be held to deserve appointments as a matter of right". Sir Akbar Haideri has removed all chances of heart burning and has paved the path of true nationalism in Hyderabad by making merit the sole criterion for Government services. It is the fitness of an individual that makes him survive, not the artificial crutches such as "minimum qualifications" etc.

Because of the blessings that naturally flow from the "minimum qualifications" the Hindu as well as the Muslim scholars in schools and colleges have given up to hard work realising that attainment of high qualifications is neither a recommendation nor a disqualification.

This country of ours has been famous for high intellectual attainments from times immemorial. There are hundreds of Kashmiris who rose to highest position in the State and in British India by dint of sheer merit. Who is there who does not know the name of Justice Shambu Nath the son of a poor Kashmiri Pandit. He

was the first Indian High Court Judge.

Similarly the payer of the tax will request the Government that he must get the best possible thing for the money which he has paid. So long as this recommendation is in force, it is utterly impossible to achieve this object. So my humble submission is that this recommendation should not at all be allowed to continue any further. In this connection I would like to draw your attention pertinent sentences of the Glancy Commission Report itself :—

“In course of time pure competition may come to regulate all appointments. But in the present state of affairs the standard should not be more exacting than efficiency demands and those who possess qualifications in excess of that standard should not be held to deserve appointments as a matter of right”.

That is the learned Commissioners themselves have admitted the fact that in course of time all appointments will be regulated by pure competition. Now the question is when that time will come. That is for the Zeologists or for the Government or for the House to decide. My another submission is that this recommendation as it at present stands has deteriorated the intellectual capacity of our young men and if it is allowed to continue like this, I am afraid, the intellectual superiority for which our Country has been so famous will be dashed to the ground. I have already stated something about the intellectual greatness of our country. It has produced a number of men of light and learning. I do not know much about Jammu Province, but I am reminded of one great ~~man~~ of Jammu, Wazir Panu, who at first introduced the system of regular settlement in the State so much so that even Sir Walter Lawrence had to admit his intellectual superiority and followed the principle enunciated by him in the case of settlement. After all people in this State wasted their time, energy and money on education with the object that they would be able to secure Government jobs and as it is generally believed that people tried their level best to shine in their intellect and as this impression went abroad that passing of High Examination and attaining intellectual fame are not necessary to secure Government jobs, the inevitable result would be that the intellect and merit of our boys would be greatly deteriorated. As such I believe I will be right in saying that the Government as custodian of its subjects will take steps to revise these recommendations so that the intellectual superiority of the people of the land may be maintained.

I would submit one word more in this connection and then I have done with the part.

The question is that the recommendation is inconsistent with the intellectual aspirations of the people. I feel nervous at the very commencement when I say that when a job falls vacant the officer competent to make the appointment is bothered very much, deputa-

tions pour from all communities, go to the Ministers and the officers concerned to press their claim. It is an admitted fact that the job would not go to the persons of all communities. The job is one and there are claimants from various communities. The result is that the job is given to a person of some favourite community regardless of merit and efficiency and so the differences in various communities are raking. If the Government evolves such proposals as to safe-guard the merit and efficiency from being deteriorated, I believe that once for all most of the communal bickerings will go out.

With regard to the amendment put in to this resolution I would like to say that my friends of Muslim Conference Group do not look with favour to the spirit of the resolution. I have already assured them, that there is nothing communal in it. I will again assure them that I have moved this resolution in their best interests. I myself claim to be a student of Islamic History and I can say with greater force that the rise of Islam was not due to the "Minimum qualifications" the Muslims of early days possessed but was simply due to the high qualifications of head and heart. Islam has produced some of the greatest intellectual giants of the world like Abul Fazal and Faizi. Who is there who has not been impressed with their intellectual superiority? Who has not heard the name of that great historian of the world, Alberuni, whom the Islam produced. They always had the highest merit and not the lowest merit as their standard and the best traditions of Islam demand that this standard should be maintained. The great men of Islam were not communal minded. They were quite aloof from the communal controversies.

Of course and there is no doubt that in the State there are certain backward communities and the Government must try to pull these backward classes up. But what I mean from backward communities is that those communities which are economically backward and in this category most of the communities of the State come. Muslims are backward; Hindus are backward; are not Harijans backward? Rajputs and even my community are backward in this respect.

What I submit is as I have already stated that I visualize an economic structure of society and not the communal structure of society. I have broached the subject from the economic point of view and this object can be reached only when communalism will banish from the State. I do not mean to embarrass people in any way. My sole purpose is to do away with communalism and so long as this demon of communalism will continue to survive in this State there is no hope of betterment. It has got some bad blood behind. I feel sure that time is approaching when educated young men from Muslims will boldly come forward and make a request

to the Government that this prescribed course of "minimum qualifications" should not be allowed to continue any further.

A VOICE : I doubt whether it would be so.

PANDIT JIA LAL KILAM : My friend will not be one of those young men. He will be quite old by that time, but they will come forward from the ranks of Islam.

However at the present occasion I have no desire to press the resolution any further and to give an impression to my friends of Conference Group that the Hindus are out to deprive them of their share. With all humility I will submit that I am prepared to withdraw this resolution at the present time but I may mention here that I shall bring this resolution again in this House after some time, by which there must be change in the mentality of my friends and much water might flow below the Tawi Bridge.

RESOLUTION No. 3.

The Assistant Secretary read out the following resolution moved by Sheikh Mohammed Amin :—

"This Praja Sabha recommends to the Council that the land-revenue should be assessed on the same principle as is followed in assessing Income Tax on the non-agriculturists".

SHEIKH MOHAMMED AMIN : Sir, while commending this resolution to the House, I submit that nobody can have any objection to matters pertaining to the welfare of zamindars. It is mainly the zamindars who fill the Government Treasury with the money earned by the sweat of their brow. It cannot be denied that the progress of the country depends on the prosperity of the zamindars. If because of certain reasons the condition of the zamindars becomes poor, the country, however, civilized it may be, is sure to suffer. The prosperity and advancement of a country depends on the improvement in the condition of the zamindars. The lesser the tax imposed upon the zamindars, the better it is.

The Government has a wrong notion about land. They consider it to be the property of the State and not of the people. The intention of this resolution is to lighten the burden of the zamindars, which they find unbearable. I submit Sir, that in assessing land-revenue the Government did not go by the principles that are followed in imposing other taxes. For instance while imposing Income Tax the Government ascertains whether the assessor's income exceeds two thousand rupees or not. Incomes upto two thousands are exempt from the tax. There is no such provision with regard to land-revenue. No agricultural land is exempt from land-revenue, I have not laid down any limit in it as it is in the case of Income Tax. What I want is that a principle should be established and details worked out to find how much land should be exempted from land-revenue. The hon'ble members must be aware of the fact that every civilized country considers the zamindars to be the backbone

of the Government. They also know that the zamindars are the most backward people in the State. They have no representation in the various departments of the Government. Keeping all these facts in view, this will be a day to test as to how much sympathy the Government and the members of the House have for the zamindars and how far they are prepared to give a practical shape to it. The most severe injustice to the zamindar is that if he is in possession of only one *marla* of land, even that is not exempted from land-revenue. If owing to heavy rains, draught or some other calamity he gets a scanty crop or no crop, he has still to pay the land-revenue, no matter he may have to dispose of the ornaments for this purpose. As against this if a person is taxed under the Income Tax Law this year but gets no income in the following year, he shall have to pay no tax in the latter year. It cannot be gainsaid that the Government has appointed officials who determine the extent of damage, when the crops are damaged and assess the land accordingly. With a view to win the good-will of the Government, the officers report that five-eighths or three-fourths of the crop are undamaged, while the fact is that the whole crop is damaged. Even this remission for a little part of the *Kharaba* is granted to a few influential persons only. No body is treated so unjustly in this State as the zamindar. They are not treated like men.

The view that land belongs to the Government is not correct. In this connection I would like to submit that the Mughals ruled India, before the British Rule. History furnishes an evidence of the fact that they never claimed to be the masters of land nor did they charge the revenue on this principle. In 1770 Mr. Franco and after him Mr. Bero proved definitely that ownership does not vest in the Government but in the people. It was according to this view that the land-revenue was assessed. Subsequently in 1830 Mr. Breggar wrote the book "India and its nation". After a thorough enquiry into the question of proprietorship and the customs relating to it. In this book he states that the principle (that ownership of land vests in the Government) which has been established here is erroneous. This wrong view has led to the defective assessment of land-revenue. Governments which hold that the State is the owner of land and the zamindar is only a tenant have a very irregular system of collection of the revenue. The question is whether with the changed conditions brought about by the grant of proprietary rights to the zamindars, land-revenue should be charged on the principle of Income Tax. It is objected to on the ground that it will cause a loss to the Government firstly by reducing the amount of land-revenue and secondly because of the expenditure necessary to follow this principle. I think that these arguments have no substance in them. This will not occasion any loss. Suppose a deficiency is caused in the income from land-revenue it

can be made up by reducing other expenditure which is incurred quite unnecessarily. The injustice that has long been meted out to the zamindars may be removed in this way. These poor people cannot bear it any longer. Keeping the high rates of land-revenue in view, a principle should be evolved which will give relief to the zamindars.

Once I saw a Cartoon in a paper. It was about the political situation of Russia the first caricature of the Czar of Russia against which was written "I rule all and am the trustee of the life and property of all". Then there was a caricature of a priest against which was written "I pray for all". After this was a caricature of a soldier against which was written "I fight for all". This was followed by a caricature of a policeman against which was written "I maintain peace in the country". Last of all there was a caricature of a zamindar against which was written "I bear the expenditure of all these people". It is evident from this that the machinery of the Government is run with the earnings of the zamindar but his requirements are mercilessly ignored. The Jammu and Kashmir Government pays no attention to him. With these circumstances in view, I hope the House will support my resolution and thus oblige the poor zamindars and win their gratitude.

MIRZA MOHAMMED AFZAL BEG : Sir, the object of the resolution that is now before the House is that land-revenue should be assessed on the principle of Income Tax. I would like to submit two points in this connection. The most important principle in taxation, that is followed by every civilized Government, is the principle of minimum subsistence and progression. Income Tax is imposed on this principle and it should be observed in the assessment of land-revenue as well. The learned mover intends that the rate of tax should rise with the increase in income. In other words a fall in income should be accompanied by a fall in the rate of tax. Economic experts have explained fully that the utility of a unit of money is more to a poor than to a rich man. This is what everybody feels in his daily life. If a certain tax be charged from a man with a certain income, and the same tax be charged from a man with a lesser income, the latter shall have to bear to more hardship and offer greater sacrifice than the former. Therefor a principle should be established, by virtue of which gross tax may not be levied according to income, but according to the sacrifice and discomfort that it involves. Keeping this principle in view, rich men should be taxed to such an extent that the tax may cause them the same discomfort at it would cause to a poor man.

The second principle is of the exemption of the minimum tax. It is grave injustice to tax the necessities of life of the people. It is a great hardship to tax then commodities in these days of economic movements and economic struggle. The salt tax has assumed a

great importance in India. If the students of economics consider the matter in a calm and cool manner, they will find that the remission of salt tax would afford a great relief to a person, who consumes six seers of salt in a year. The salt tax has assumed much prominence in India and has created a great fuss. Why has the tax become so important? The reason may be the justification of tax. The abolition of this tax may not benefit India much. The tax has assumed importance, because it conflicts with the principle which requires that necessities of life should be exempted from tax. It is because of this that Mahatma Gandhi has started an agitation in India. The principle has been applied to Income Tax as well, and people with low incomes have been exempted from the tax. After an enquiry, it has been found necessary to exempt incomes upto Rs. 2,000 in order to maintain the ordinary standard, and to tax only those incomes that are above Rs. 2,000. My submission is that when this principle is observed in one case, why are the interests of the zamindars disregarded. If this principle is considered good in one case, why is it regarded unacceptable in the other case? Why is the taxpayer denied the benefit that the observance of this principle would confer upon him?

Sir, the learned mover has not specified any amount for remission. He has left it to the Government and the Council who should frame a scheme, with due regard to the necessities of the zamindars and the standard of their life. What we want now is that the principle should be accepted. I think no member has any difference of opinion about the importance of this principle. When the principle has been accepted in one case, there is no reason for rejecting it in the other.

We now come to the question as to what is our system of land-revenue. Many experienced persons in this House, who belong to our country, are fully aware of it. They are, unfortunately, occupying the official benches. General Janak Singh, who has held eminent posts in the State, know full well that those zamindars also who, leaving agriculture apart, have not got sufficient land even for vegetable gardens, are assessed to land-revenue. Is this justice to tax a zamindar who cannot maintain his family with the income from agriculture? This causes a great hardship to the zamindars and tends to increase their indebtedness. In a village, I found that an agriculturist had tied his son and left him in his cottage. On an enquiry he said that the boy goes to the field, pluck maize and eats it. What shall I give to the creditor? This is the condition of the zamindars. Just as we tie an animal, so that it may not enter the field and damage the crops, similarly a human being is not allowed to eat a little maize. This is because the creditor is always in the mind of the zamindar. If a zamindar dies in the morning a shroud is

not available till the evening to cover his cropse. What is it due to? It is due to the defective land-revenue system. If I had time, I would place all the facts before the Government, so that they as well as the members of the House could visualize the condition of the zamindars of Jammu and Kashmir in better way. Thousand of the peasants of our State travel over the mountains on foot and go to the Punjab where they work as coolies, and work very hard to collect money to pay the land-revenue and run the administration of the State. They are made to work much work there, but are paid little. Has the Hon'ble Prime Minister any sympathy for these poor people? These dumb fellows do not even know how to start an agitation. But what will be the upshot of all this? This is therefore a suitable opportunity for the Government to mete out same sympathetic treatment to them. A peasant is his own master. The State is not his owner. These are not my words but is a very old theory. I submit, Sir, that the Islamic conception about it is also in its favour. We can find many other authorities in support of this. A few years ago that proprietary rights in land were granted in the State, and the agriculturist allowed to alleviate his land as he would. Under these circumstances, it is not proper to say that the ownership of land-revenue cannot be assessed like other common taxes. I think the Government would have no objection to it. With these words I close my speech and hope that every man with a feeling heart will feel inclined towards it.

PANDIT LOK NATH SHARMA : Sir, it is not for the first time that a resolution of this nature has been submitted to the House by the Conference Party. The arguments which Mr. Beg has put forward now were advanced by him two years before also. To-day it has been said that they leave it to the Government to prescribe a minimum because it was stated in the last Session that the resolution is meaningless. To-day the number of such zamindars who pay more than Rs. 200 as revenue, can be counted just on fingers. If the Conference Party wants that Government should spend freely on works of public utility and should go on remitting items of revenue, until it becomes bankrupt, then, of course such resolutions are very important and must be passed.

Upto this day whatever the Government has done, has been for the good of the zamindar. The very first act was the passing of the Agriculturists Relief Regulation. The advantages which accrued thereby to the zamindars and the way it ruined the Sahukars, is clear to everyone.

Sir, I submit that while coming from Wazirabad to Jammu we pass by many villages the names of which end with "Ka". In that Illaqa there are two villages situated close to each other. The name of one is "Lepo Ka" and that of the other is "Depo Ka". The residents of "Lepo Ka" know only how to receive,

while the residents of "Depo Ka" know only how to give. So then my submission is, that the principle of my learned friend also is to ask everything of the Government. He says, "give us all" construct bridges and roads, open hospitals; spend for works of public utility and then, what he would have us do next is to remit revenue. Without entering into the discussion, as to in whom the proprietorship of land in the State vests in, I want to submit that if my learned friend will examine the reference of "Kotek" about it he will find that Raja, in reality, is the protector and proprietor. As he is the proprietor therefore he takes part of the produce as his share. In the times of Mughal Emperors the share was fixed at $\frac{1}{3}$ of the produce but now it is $\frac{1}{4}$ or even less than that. To the best of my knowledge I know that after deducting 4 per cent. for commission, the revenue charged is 4 per cent. of the remaining 96. We are told that it is the main cause of poverty. Has any learned friend, instead of moving the resolution, ever tried to check the cultivators from being so spendthrift on occasions of marriage? If wealth accumulates in the hands of the zamindars, he does everything within his power. He quarrels and even creates disturbances, so much so that he continues carrying on quarrels and litigation even by borrowing. If he has to marry then he spends beyond his power and is over-burdened with debt. Their condition is so miserable that they have to borrow money even when they do not stand in need of it. But the Government is pressed to exempt incomes below Rs. 2,000 and assess the rest. I have just stated that His Highness the Maharaja Bahadur has been pleased to pass the Agriculturists Relief Regulation for the sake of zamindars so that they may be freed from the burden of debt, because the Sahukars have been ruined on this account. Our Agriculturists Relief Regulation is more liberal than that of the Punjab. In the Punjab interest can be charged upto 100 per cent. but here in the State it cannot be more than 50 per cent. The half-yearly instalment for decree of Rs. 1,700 has been fixed upto Rs. 4. Furthermore, Co-operative Societies have been started for them in order that they may not feel the necessity of borrowing from the Sahukars.

Lala Shiv Nath Nanda has informed the House about 37 concessions that have been granted to the zamindars by the Government. Every such resolution, which is moved for the sake of public utility, requires money to be put into action. The question is wherefrom this money should come. Unless the Government finds any special sources, it is difficult to amass it. There should always be some special reasons for modifying the old system and enforcing a new one. I have stated in my last speech that nobody can quote any instance of a country where land-revenue is assessed on the basis of Income Tax. I think my learned friend would not be able to quote any instance whatsoever. Therefore I oppose

this resolution.

MOULVI MOHAMMED ABDULLA : Sir, my submission is that we have to see whether land-revenue should be assessed on the principles of Income Tax or not? The discussion is about the principle and it can have no connection with the favours conferred on the zamindars and the concessions granted to them. The real question is whether all those arguments advanced about this resolution have any reasonableness or not? The point is quite clear. The reference, given by you, itself refutes your arguments. The king is the protector and not the proprietor. It has been admitted in all Dharam Shastras and by all the countries that the proprietorship of land vests in God only. He, that cultivates the land, is only entitled to it. The King is entitled to claim only one part of the produce because he protects the land. I hold stereo-typed view. You must have read books. No religion in the world has admitted that there can be any other proprietor of land except God. The king is simply a protector. There was a time, which we call 'an old age', when the king used to receive 1/10th of the produce of the land. It was called 'tithe'. But here it has been exceeded beyond the limits. The Government assesses 24 per cent. of the produce and in Kashmir on certain places it is being assessed even at 30 per cent. of the produce of the land.

In reply to a question it was replied in the House that the land-revenue assessed is 30 per cent. I have not been able to follow the reason why so much oppression is being done to the people. Why the necessity of repeating the original question has been felt? It is simply because land-revenue is being assessed at a very high rate. Is it justified or not?

The zamindar is in need of food in the same manner as other human beings are. It would be justified if the land-revenue were assessed after making allowance for the necessary expenses of his children and his subsistence. None demands that the land-revenue should be altogether remitted. The fixing of such a principle is needed whereby the produce of the land of the zamindar be secured and then the land-revenue should be assessed. I submit that it is improper to argue that the land-revenue should not be assessed upto the limit of Rs. 2,000 and should be assessed on incomes above that limit. As far as my views go and so far as I have been able to follow the meaning of the resolution, the intention of the mover is that land-revenue is assessed at present at a high rate and a standard should be fixed for it according to which the necessities of the zamindars may be given due consideration and then it may be assessed. The amendment moved is not reasonable and weighty. Therefore I support the original amendment and oppose those who have spoken against it.

SARDAR HARI SINGH : This resolution has been moved in the

House once before. We read many news about such proposals in the newspapers. Everybody knows how these resolutions are treated. The land-revenue is not a tax, but is a sort of rent. A well known Englishman Mr. Doce who was Financial Commissioner of the Punjab, wrote that in India the king has always been considered the owner of land. We find an instance of this even in the epic age of Ramayana. Bharata realised the revenues in kind by means of a Pie (a measure for grains in India) turned upside down so that public had no complaint when he ascended the throne and Shri Rama was in exile. Mughal kings received the revenue in kind. King Jalal-ud-Din Mohammed Akbar effected the measurement of land under the supervision of Raia Todar Mal. After the enumeration of live stock of the tenants, the "Jama" was fixed and this system has been in vogue since then. In the times of Sikhs it remained in force. In the reign of Maharaja Ranbir Singh Settlement was conducted in 1926 and the revenue was proposed to be charged in cash. The fact stated by Sheikh Sahib is wholly wrong. He said even one "Marla" of land was not left out, but big "Khatas" of the "Kamins" were left out.

The principle underlying Settlement is that Girdawari is carried for four or five years and mean produce of good and bad harvest is calculated. The rates of the grain are enquired from the "Sahukars" as well as the market rates are studied. If the crop are damaged remission is allowed in that case, and then, is the land-revenue fixed. In addition to all this, the fact that some zamindars of high caste do not themselves cultivate the land but get it done on wages, is also taken into consideration. The people who serve in the Army also get their lands cultivated on wates and the remission is made in their case too. The revenue is assessed by taking all these things into consideration. I dare say, that in Jammu Province, the revenue was never assessed at 30 per cent. of the produce, but is realised from 16 per cent. to 20 per cent. To say that Jama is excessive, in these circumstances is not correct.

Secondly, I want to enquire what would be the strength of the establishment in the beginning if the principle of assessing revenue on the basis of Income Tax is given practical shape and how many people will be exempted from it, because the holdings are reduced to a small size by sub-division.

A very big establishment is necessary to look after the produce of every harvest.

MIAN AHMED YAR : The land does not increase or decrease.

SARDAR HARI SINGH : But the crops vary due to the timely or untimely rains.

The second question that I wish to take up concerns the poverty of the zamindars. I submit in this respect that land-revenue has no connection with it. Marriages, and many other ceremonies are

responsible for their indebtedness. The zamindars spend much more than they can afford on these things and the natural result is that they become indebted. Circumstances permit the realisation of revenue at the present rate by the Government. I, therefore oppose this resolution with these words.

COLONEL ABDUL RAHMAN : Sir, I beg to submit briefly that intention as it appears from the speeches of the mover and the supporters, is not the total remission of land-revenue but is that it should be realised with due regard of the time and income. The gentlemen who opposed it, should at least know what is the income of the zamindars. Mr. Sharma stated that they spend more than their income and the reason of their bankruptcy is their not cutting the coat according to their cloth. I submit that those only spend who possess something. I have experience of forty-five years and I can say that they are at the mercy of "Sahukars". The zamindars at the time of marriages and deaths have to fulfil their indispensable needs. The Sahukars lend money only after tightening their shackles and a respectable surety is required. Sardar Hari Singh atonce got excited, just as a person asleep during war is afraid of his enemy and wakes atonce at the boom of the gun. Sardar Sahib has had occupied the high office of Settlement Officer and during his employment shouldered this benevolent work, which is a source of suffering to 36 lacs of people of the State. Even now when he is luxuriously spending his pension, we are in his grip. In the reign of Sher Shah Suri, 1/24th of the land produce was realised from the zamindars as far as I know. It was realised much less in the times of Asoka, the Great. The proposed revenue was not more than this during the Sikh rule. Even in the times of Nadir Shah it was not much. The question that is to be solved is that great difference is perceived when the times of assessment of revenue at the Settlement in Samvat 1962 are compared with the present times. The grain was sold at the rate of five seers per rupee, which means that the produce brought good money.....

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : This is not relevant to the resolution under discussion. The resolution under discussion is that the land-revenue should be assessed on the basis of Income Tax. You have got the Urdu copy of this resolution. You may look to it.

COLONEL ABDUL RAHMAN : Sir, I would presently submit it. Mr. Sharma has cited instances from all over the countries.....

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : What is the use of talking irrelevant?

COLONEL ABDUL RAHMAN : Sir, I will be brief. Sardar Hari Singh has stated that destructions of crops is taken into consideration. I submit that there is a provision with respect to it, but no heed is paid to it. In the circumstances I support this reso-

lution.

THE HON'BLE MR. K. N. KNOX : Mr. President : Sir, I do not propose to say very much about the speeches of the last two hon'ble members of the opposition who have spoken to this resolution. It appears to me that they have completely run away from the proposition of the mover. He proposes that land-revenue should be redistributed on the principle upon which Income Tax is assessed. Possibly frightened by my hon'ble friend Lok Nath Sharma, the last two gentlemen proceeded to say that they do not want to do away with the land-revenue altogether. The mover only wanted to take it off from one class and put it on the other. I may say, as I have already said once, that I have very great sympathy with the spirit that underlies the resolution of the Hon'ble Mover. I believe in taxing the rich and letting off the poor so far as it is possible to do so. In my experience, the rich are very skilful in passing on their burden to the poor and thrifty are very clever in gaining the money of those who are spendthrift. If you had entirely a new slate to write on, then, in my view, there would have been a very great deal in favour of the proposition and the proposal would have been favourably considered but the circumstances are not such at present. The proposition is that those who have large portions of land should be taxed heavily and those holding minimum portions of land should either be taxed very lightly or be let off altogether.

Sir, so far as my reading goes, the present system of land-revenue is immemorial in this country. I do not propose to discuss with my friends in opposition as to whether God above or the King owns the land. All that has been admitted in practice is that the King or the Governor as the protector of his subjects or as the representative of the citizens in the case of the Government, is entitled to a share of the produce of the land. This share was very considerable even in the golden days of the King Rama.

MIRZA M. A. BEG : Point of order Sir. Will the Hon'ble Revenue Minister please state as to what is the practice prevailing in England?

THE HON'BLE MR. K. N. KNOX : So far, I am expected to talk of India. I cannot jump from India to England.

I am trying to prove that this system is immemorial in India. There may be certain amount of confusion about the matter. It is said that in the Golden days of the Hindu Kings they took $1/4$ th, $1/5$ th, $1/6$ th, $1/8$ th of the produce. Reference is in my opinion made to the "Gross Assets", that is to say, the whole produce is collected and is divided into parts and after which the King's share is $1/4$ th, $1/5$ th or $1/6$ th. The present system of the land-revenue is based on the principle that various amounts of expenses incurred on cultivation as well as the condition of the people and the fertility

of the soil are taken into consideration at the time of assessment. I understand, as a rule, this share in this State is about 50 per cent. in the case of the old assets on net assets. Probably the share of "Gross assets" is about 15 or at the most 20 per cent. Now if this land-revenue is redistributed, some body has got to say that no administration can be carried on without funds as Mr. Sharma pointed out.

Sir, taking literally the Income Tax principle. This would mean that anybody whose net income is less than two thousand rupees, say Rs. 250 for example, he might be let off altogether. But, in order to make up that loss, whoever has an income of two thousand rupees or over would have to pay presumably nearly 50 per cent. or over $\frac{1}{4}$ th of his income. As such a person with an income of four thousand rupees would have to pay more than one thousand rupees. Even then considering the number of the zamindars of the State and the general standard of their living, it is unlikely that the loss would be made up by taxing them on the higher rate. My Hon'ble friend, who spoke second, referred to a poor zamindar who is so poor and owns so little land that he has to pay five pies as land-revenue in a year. All that seems to me is that examples of such sort spoils a good cause. It may particularly be mentioned here that persons who pay two, three or five rupees as land-revenue are not living on the land alone and agriculture is not only the source of their income. They might be having some other provision with which they can support themselves and their families. Taking for example, if the land-revenue is $\frac{1}{3}$ rd of the net "assets", any person who has to pay rupees two as land-revenue, being $\frac{1}{3}$ rd of the "net assets", he will have left behind rupees four only to support himself; and his family. The amount, as can be easily imagined, is quite insignificant for the purpose. Nobody can deny the fact, and the real truth is that very poor zamindars or persons make their living by sources other than agriculture but have a bit of land on which they grow vegetables or some other kind of grain. In my own province, I cannot speak about Kashmir, I am certain that for the last thirty or forty years there has been very great increase in the income of zamindars on account of small areas of land held by the labouring classes to grow vegetables.

I do agree and I sympathize with the principle of taxation that its burden should be on the rich rather on the poor and as regards the zamindar who is paying 25 or forty rupees as land-revenue in a year, I shall very much like to see that his burden is lightened. In my own province, I can say that his burden is very considerably lightened. All that the Settlement Officers had done 50 years ago is that they taxed the land and not the turban. The zamindar is taxed up quite nearly 50 per cent. or 40 per cent. of his "Net assets". The big zamindar is taxed at 50 per cent. and the poor

is left off with 25 per cent. only. My hon'ble friend, Sardar Hari Singh, who has had vast settlement experience of this State has also said that the same principle of taxation has been applied throughout in the Jammu and Kashmir State. All resources of the zamindars or proprietors of the land are taken into consideration when assessing any revenue on the land which is allotted to them.

There is another difficulty about applying the Income Tax principle. As you all are aware that Income Tax is revised year by year and if Income Tax principle is applied in land-revenue, we will have to follow the same procedure. I would like to say something about the demerits of the proposal. It is well known that when East India Company, in Lower India, in Bengal and in U. P. took over the administration and assessment of the land-revenue of these places, it started with the procedure of short term settlement. The distressing result which followed by the introduction of this system are known to every body. Now if we were to revise the present permanent land-revenue system, I am perfectly convinced that the same distressing results would be caused and the same chaos would prevail as was the case at the end of the 18th century. Every farmer in those days was afraid of getting more produce from the land simply because his tax on land would be increased and the ultimate result was that he was careful to cultivate as little as possible. Afterwards they were desirous of permanent and long term settlement. When permanent settlement was given in Bengal, in both the provinces of U. P. and the Punjab the whole influence of the zamindar had been used in favour of increasing the period between one settlement and the another. Firstly there used to be three years, four years or five years settlement and afterwards it was raised to twenty years. Now in U. P. thirty years have been raised to forty years. In this State at first the period of settlement was twenty years, afterwards it was raised to thirty years and since His Highness' Accession the period has been raised to forty years.

Now the proposal to assess the revenue of the land year by year would mean to introduce the short term settlement which will bring all the harassment to the poor zamindar in its train and which will cause anxiety to the poor zamindar. In practice such action will retard the development of the State.

It would be very difficult to mix up the present system with a system by which the small holders or proprietors of land would be let off. The process of taxing the land of rich at a higher rate and to let off the small proprietors would require constant enquiries and, I am afraid, it would be quite impracticable.

Well gentlemen for these reasons which I have stated very briefly, Government are unable to accept a proposition of this sort.

It is not a practicable proposition and the object of the mover cannot be reached. In the present condition in which the resolution stands, I must oppose the resolution.

LALA HANS RAJ : Sir, I would submit that zamindars are suffering from three things namely litigation, indebtedness and increased land-revenue. Generally, the produce of a zamindar does not amount to as much as the land-revenue he is charged. The remissions for "Kharaba" etc., I would submit, are granted even after 30 years. With these words I support the mover.

SARDAR DHIAN SINGH : Sir, I want to invite the attention of the House to the fact that the resolution which has been moved is in fact an excellent one but is premature. I would submit that at all times it is demanded from the Government that in the Illaqas of "Kandi" there is scarcity of water and arrangements may kindly be made for the same, roads may be constructed at such places, Schools may be opened at certain places. But in order to meet all these demands of the people the Government requires money.

MR. G. M. SADIQ : When was the truce pledged between you and Nanda Sahib?

SARDAR DHIAN SINGH : On the one hand you are demanding that the land-revenue should be reduced but where from should the Government bring money to meet your other demands. So long as the Government do not economize expenditure and so long as the Government servants are not prepared to accept low salaries, and as long as the zamindars are not taught this lesson by the Government and by you as well that they should cultivate their lands on scientific basis till then, I would submit, the Government cannot do any thing in this behalf.

Therefore I would request the honourable mover to withdraw this resolution rather than let it be defeated by voting. So far as the question of proprietorship is concerned, I would submit that it is a very recent incident that the people agitated to get the right of proprietorship. But it is stated in reply that proprietorship rests only in God and in none else. Lacs of cases for proprietorship are being filed in the courts of Jammu.

In short, I would request that this resolution is premature. Until other states and provinces do not act upon it, the moving of this resolution is improper.

BABU RAM DAS : The mover of this resolution has stated that no remission is granted for "Kharaba" crops. I would submit that it is not granted for every "Kharaba". There are rules prescribed for remission of revenue in case the crops are damaged by some "Vis major". When damage is caused anywhere by rain or flood, at that time the officers are bound by the rules to go on the spot and issue orders for the suspension of revenue. The next

point which he has stated is how it is determined. Regarding it I would submit that there are rules prescribed for the exemption of subsistence. There are two types of tenants. Firstly, those who cultivate the land themselves and secondly those who do not cultivate themselves. The Government charges revenue only on the share of the owner, and the whole crop of the tenant is exempted. Further he stated that land-revenue is charged even on small holdings. I would submit about it that if small holdings are not assessed in that case the Government has to forego 95 per cent. of the revenue. Take for instance the Illaqa of Gurez; we shall have to exempt whole of the revenue of this Illaqa on this account. Similar is the case in the Illaqa of Kernah. It will have to be exempted in Jammu Province also where there are small holdings. Now there is the question of the requirements of the zamindars to be considered. It is said that the produce of the zamindars is inadequate for their subsistence. The reason for this is that the population has increased since the last Settlement of lands whereas the lands did not keep pace with the increase in population. Moreover the mobility of Kashmiris to Punjab etc., for earning their livelihood is another reason for it and is a special cause of increase in population. One more question was asked by the mover that as the right of proprietorship has been granted to people in Kashmir, why is land-revenue charged? He should bear in mind that in Jammu which is a part of the State, the people were proprietors since a long time and inspite of that land-revenue was charged from them except in Ramnagar and Basohli which were conquered Illaqa. I see no reason as to why land-revenue should not be assessed in Kashmir. Now so far as the question of rate of assessment is concerned, I would submit, that in the time of Mr. Lawrence when the Settlement was made, the share of the Government was fixed at half of the produce. Those who are tenants hold land in the position of tenants and not that of proprietors. Therefore the Government is entitled to 50 per cent. Again in 1958 Mujaawaza in kind was exempted and at that time a note was kept in the records that the Government can receive in kind whenever it intended to do so. The officers brought to the notice of His Highness the Maharaja Bahadur that in the Punjab where the Government has granted proprietary rights to the people, the standard of assessment is 30 per cent. and this is why 30 per cent. standard was fixed here.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The point is whether the revenue should be assessed on the same principles as is followed in assessing Income Tax or not?

BABU RAM DAS : I submit about it that the assessment of revenue on this principle is not reasonable. Therefore this resolution is unacceptable.

LALA SHIV NATH NANDA : Sir, while moving the resolution

my friend stated in the end of his speech that he expects from the House that all those who are zamindars would support this resolution. I submit only those should support it who are zamindars.

SHEIKH MOHAMMED AMIN : I did not mean by it only the zamindars but the whole House.

LALA SHIV NATH NANDA : I thought my friend is not in need of my support as I am not an agriculturist. Therefore what would be my position at the time of voting? But then viewing the pitiable condition of the zamindars I came to a conclusion that I should express my ideas through a speech. The resolution is whether the revenue be assessed on the principle as is followed in assessing Income Tax or not? There are my friends who are Sanukars. They are fully aware how much pinching is the principle on which Income Tax is being assessed. If they want to put the zamindars into the same trouble then, I would say that they have no sympathy with them. Therefore, I would submit that he should withdraw the resolution. He means that revenue should only be assessed in case of that zamindar whose annual income is Rs. 2,000. I would submit that it would create many difficulties. We have to go to the zamindars in order to determine their income, moreover, we have to encounter with those difficulties which were faced on the assessment of Income Tax. Besides this my esteemed friend Mr. Lok Nath Sharma has clearly stated the privileges that have been granted to the zamindars. I wish that they should really be granted privileges and should be pleased thereby. This resolution was also moved in last Session at Jammu. The Hon'ble Mr. V. N. Mehta spoke on behalf of the Government. He explained all the difficulties connected with the assessment on the principle followed in assessing the Income Tax.

Sir, my esteemed friend Moulvi Mohammed Abdulla holds that proprietorship of land vests in God. We too are the creation of God. Our Shastras hold Raja to be the incarnation of God and take him to be equal to God. He himself has elucidated that Raja is the messenger of God. In fact, His Highness the Maharaja Bahadur.....

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Please keep Maharaja out of your arguments.

LALA SHIV NATH NANDA : All right Sir, I am talking of the Government. My friend has made a mention of 32 concessions. If he will study he will find that there are still more concessions. There was a poet Ram Dhan of Akhnoor. I recollect one of his verses.

NOTE.—Mr. Nanda recited a Punjabi verse. It means that Ram Dhan, love-making is so difficult as is to hang with a loose-spun cotton thread and the knot which is tied by hand requires the help of a tooth to unknot it.

SHEIKH MOHAMMED AMIN : Point of order. Sir, I want to invite your attention to rule No. 23. He is discussing irrelevant

point.

LALA SHIV NATH NANDA : My friend has stated that it is irrelevant. My submission is that you should be attentive, then you would find whether it is irrelevant or not? I was saying if my friends have not forgotten they would be aware that this corn is an exchange in the world. Every thing can be made available by the corn. Similarly the Government realizes it like exchange. At present the total income of the Government from revenue is about Rs. 58 lacs. There will be only 10 or 15 zamindars whose income from land exceeds Rs. 2,000 and they can be counted on finger tips. If you want that revenue should not be charged from those whose income is below Rs. 2,000 then, you should also tell the Government that you do not require any money or roads. They only want to get exemptions. You should stick to one point. One of my friends has referred to the Agriculturist Relief Regulation wherein so many concessions have been granted to the zamindars that have not been granted to anybody else upto now. Orders have been issued to recover the decretal amount of Rs. 1,100 within 275 years at the rate of Rs. 4 per annum. Had there been any example of such kind in the world then, perhaps I would have welcomed it. But as I have not been able to find any such example anywhere, therefore I strongly oppose it.

SHEIKH ABDUL HAMID : Sir, it is stated in the resolution that the revenue should be assessed on the principles followed in assessing the Income Tax, that is, it should not be assessed on the zamindars having their incomes below Rs. 2,000. If we take it for granted then, I submit that it would be much better to grant exemption of revenue to every one, as there is a very small number of those zamindars who have incomes above Rs. 2,000. The revenue to the State will be very little and would not exceed a few thousands as the rate of assessment would be a few pies in the rupee.

MAJOR ATTA MOHAMMED KHAN : The city people are granted concessions of every sort.

SHEIKH ABDUL HAMID : I will submit whether the city people get more concessions or the zamindars. Sir, I submitted that the Income Tax assessed on the people is, in fact, a superfluous tax. I submit to your honour the reasons for this. The Government levies a huge customs duty on the goods imported from outside in whatever quantity that may be. Sometimes it is levied at 50 per cent. and sometimes 100 per cent. and even more than this. After the payment of the tax it is his luck that helps him whether he gains or loses. He pays the tax before the delivery of goods to him. If by chance he gains then, the Government examines if he has gained to a greater extent. If it exceeds Rs. 2,000 in a year then, Income Tax is assessed on it. But as compared to it the zamindar pays very little in land-revenue. Therefore the resolution which

has been moved has no foundation. Therefore I strongly oppose this resolution.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : We began five minutes later, so we will take five minutes more.

SHEIKH ABDUL HAMID : I want to submit to you Sir, that it is stated that the zamindar is greatly involved in debt. Therefore the rate of assessment should be reduced. This demand is unjust, because we have to examine whether the condition of the zamindar has become due to the increased assessment or his rites and customs are such which compel him to borrow and thereby is overburdened with expenses.

For instance, I would submit, if we take the case of a Muslim zamindar when he has to perform the "Khatna" ceremony of his son, on that occasion he cordially invites his village people.

MR. G. M. SADIQ : How much amount was spent on your "Khatna" ceremony?

A VOICE : No personal reference please.

SHEIKH ABDUL HAMID : At that time the baby is placed on a Charpai. All his relatives from far and near and neighbourers assemble together and this ceremony is performed in their presence. The feast given on that occasion involves a huge expenditure. All these expenses zamindar bears are unnecessary.

Similarly, instructions have been provided in the Mohammedan Law regarding the performance of "Nikah" ceremony. At that time a wise and matured man should distribute dried dates and sweets at the time of proposal and acceptance.

But here everything is done contrary to this. When a marriage procession comes at that time it is entertained with music and merriment. In this way the zamindar spends his capital and gets entangled in debt. If my learned friend try to remove such evil customs of the zamindars and insist them to put into practice good deeds then, I believe that the condition of the zamindars will automatically improve.

NOTE.—The time was over and the House adjourned till next day the 29th April 1937.

THE
JAMMU AND KASHMIR PRAJA SABHA DEBATES
(Official Report)



VOLUME VI.

PART XV

(29th April 1937)

SIXTH SESSION

OF THE

FIRST J. & K. PRAJA SABHA.



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HIS HIGHNESS' GOVERNMENT, JAMMU AND KASHMIR.

JAMMU AND KASHMIR PRAJA SABHA.

JAMMU SESSION APRIL 1937.

Thursday The 29th April 1937.
17th Baisakh 1994.

The Praja Sabha met in the Praja Sabha Chambers in Ajaibghar at Eleven of the Clock Mr. President (The Hon'ble Sir Lal Gopal Mukerji Kt.) in the chair.

6. COLONEL ABDUR RAHMAN KHAN : (a) Is it a fact that Jugglers and Kalandars (Monkey Trainers) of Jammu Province have been recently declared or are being reported against as a criminal tribe ?

(b) If the answer be in the negative, then is it a fact that some or any of these persons have been so declared, or is any action being taken at present in order to declare them such a tribe ?

(c) If the answer be in the affirmative, will the Government please state (i) How many members of the said class had committed criminal offences and what was the nature of the offences ;

(ii) Were they formally tried in a court of law ;

(iii) What was the result of the trial ;

(iv) What are the rules for declaring a class as a criminal tribe, and what is the procedure therefor ?

LALA HAVELI RAM (General Secretary on behalf of the Hon'ble Prime Minister) : (a) No.

(b) Does not arise.

(c) (i)(ii)(iii) and (iv) Do not arise.

COLONEL ABDUR RAHMAN KHAN : Thanks.

7. PANDIT RAM CHANDRA DOBEY : (a) Is it a fact that in Kathua the Kharif crop of the year 1993 was attached by the Government to realise the previous arrears of land revenue ?

(b) Is it a fact that the Lamberdars had made it known to the concerned authorities, that as a result of attachment of crops [referred to in clause (a)] the land-revenue for the year 1993 could not be realised ?

(c) Is it a fact that the Lamberdars were sent to Jail for their inability to pay the land-revenue for the year 1993 and is this also a fact that an order to the contrary was issued by

the Governor Jammu but no heed was paid to it by the concerned authorities ?

(d) Is it a fact that one Lalu Lamberdar a weak and an aged gentleman was also sent to Jail, who breathed his last on 2nd Baisakh 1994 soon after his release from Jail ?

(e) Is the Government prepared to start an enquiry into the whole affair and take suitable steps against all those who acted in such a manner as resulted in the death of a respectable citizen and besides a lot of hardship to others ?

(f) Will the Government be pleased to order a suspension of land-revenue till such a date when the zamindars will be in a position to pay ? If not, why not ?

THE HON'BLE MR. K. N. KNOX (Revenue Minister):
(a) The Kharif crops of some defaulters of villages Samwan, Kathua and Parol were partially attached to affect recovery of past arrears of land-revenue.

(b) No.

(c) *First part.*—Bhoori Singh, Nanak Singh and Lalu Lamberdars were sent to civil lock up, because there were heavy arrears of land-revenue against them.

2nd part.—No.

(d) Lalu Lamberdar was sent to lock up for 5 days. He presented himself before the Tehsildar of Kathua on the 31st Chet 1993, after his release and requested for a week's respite which was granted to him. He was then quite healthy. His death on 2nd Baisakh 1994 is reported to have been due to the fact that he went to Baisakhi fair where he took too much sweatmeats and contracted Cholera, which resulted in his death. He was a man of an advanced age.

(e) This part of the question does not arise in view of what has been stated in (d) above.

(f) The defaulters are admitted bad payers, the suspension of revenue is therefore out of question. They can, however, be allowed to pay by instalments, if they apply for it and provided they pay up a major portion of the outstandings against them at once.

MAJOR GENERAL JANAK SINGHJI: How can an old man eat so much sweets ?

PANDIT RAM CHAND DOBEY: Did that person die of old age or was his death due to the sweets ? Was it ascertained whether the Cholera was prevalent there ? Secondly, I would submit that at the end of my question I have asked whether the Government would be pleased to order for the suspension of land revenue till such date when the zamindars will be in a position to pay ? The reply which has been given is meaningless. Therefore I

want to ask whether the Government will order for suspension of land revenue when the zamindars have no money at all.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt): The reply to this has been given in the last paragraph.

PADIT RAM CHAND DOBEY: It is written there that the question of instalments will not be taken into consideration unless a major portion of the outstandings is paid by them. My submission is that when they have no money with them how can they pay so much amount or instalments?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerjee Kt.): The reply has been given.

5. N. Q. No. 8 LALA RAM LAL. (a) Is it a fact that on my resolution relating to the construction of a road from Gattalian to Jatlan, moved in the last Srinagar session of the Praja Sabha, the Hon'ble Prime Minister gave an assurance, to the effect that if the Government of India did not start the construction of this road till March 1937, the Kashmir Government will undertake the construction of this road?

(b) If the reply to (a) above be in the affirmative, it may be stated as to whether the construction of the road has been taken up or not?

If not, why not? If the reply be in the negative the speech of the Hon'ble Prime Minister regarding this matter may be read out before the House?

LALA HAVELI RAM (General Secretary on behalf of the Hon'ble Prime Minister). What the Hon'ble Prime Minister said was that if the efforts of this Government with the Government of India were not successful, this Government will include this road in their programme of road construction. This Government have been making efforts in this behalf but the final reply of the Government of India is still awaited. As soon as their decision is known the Government will take such further steps in the matter, as may be necessary to implement the assurance already given by the late Prime Minister.

LALA RAM LAL: Sir, I have asked in part (a) of my question that "Is it not a fact that the Hon'ble Prime Minister gave an assurance to the effect that if the Government of India did not start the construction of this road till March 1937, the Kashmir Government will undertake the construction of this road?"

LALA HAVELI RAM (General Secretary): The words from the speech of Hon'ble Col. Colvin have been included in the reply to the part (a) of this question.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerjee Kt.): (Addressing the Hon'ble Prime Minister) The question was, whether any undertaking was given by the late Prime Minister?

THE HON'BLE DEWAN BAHADUR N. GOPALASWAMI AYYANGAR PRIME MINISTER: Late Prime Minister's assurance was:

If the efforts of Government of India would not prove successful, this Government will include this road in thier programme of constructions.

MR. PRESIDENT: (The Hon'ble Sir Lalgopal Mukerjee Kt.) (To Lala Ram Lal) Have you got this reply?

१२९ LALA RAM LAL. Yes Sir.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerjee Kt.): The reply to this is in the affirmative.

LALA RAM LAL: The assurance was given to the effect that if the Government of India did not start the construction of this road till March 1937, the Kashmir Government will undertake its construction, and now as the month of March has passed, will the construction of this road be undertaken?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerjee Kt.): The question has been sufficiently answered.

9. MR. JAGAT RAM ARYAN: Will the Government please state: (a) If the Education Department had invited applications for the posts of teachers under notification dated 9th April 1937?

(b) Whether the Education Department had appointed a Selection Board between 1987-88 consisting of Wazir Wazarat Udhampur, Assistant Inspector of Schools and others for the selection of candidates?

(c) Has the Government taken all those candidates who had been selected by the Board?

(d) If the answer to (c) be in the affirmative, then will the Government keeping their seniority in view accept those candidates in this selection? If not, why not?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister):

(a) Yes.

(b) Yes.

(c) No.

(d) The system of maintaining the register of candidates was abolished under Government orders on the recommendations of Glancy Commission. Every vacancy is advertised and selections made out of the applications received.

MR. JAGAT RAM ARYAN: In reply to part (d) of my

question it has been stated that they will not be selected for the post. The question which now arises is whether those persons who are working in temporary arrangements will be given any post or not ?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : They will also have to apply. The procedure is that everybody has to submit fresh application whenever a temporary or permanent post falls vacant.

10. LALA RAM LAL : (a) It may please be stated whether the goods imported from outside the State, are charged Octroi duty while entering the Municipal limits, or not ?

(b) If the answer to part (a) be in the negative, then it may be stated as to why Octroi duty is charged on goods imported in Poonch proper and is Poonch Administration prepared to stop this practice or not ? If not, why ?

COL. BALDEV SINGH PATHANIA : (On behalf of the Hon'ble Revenue Minister) : (a) Yes, excepting goods covered under Customs receipts.

(b) In view of (a) above, this does not arise. However, the Wazir assures Praja Sabha Sad that in case any Octroi duty found inconsistent with the rules in force in His Highness' Government is being charged in Poonch, the matter shall be soon enquired into and grievances, if any, redressed.

LALA RAM LAL : The answer to part (a) of my question is in the affirmative. But I have not been able to understand the words "excepting goods covered under Customs receipt," which are included in the reply. I think these words are meaningless.

MR. PRESIDENT : (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The answer is quite clear. If you take it as meaningless, you may.

LALA RAM LAL : I have stated in part (b) of my question that from the 1st of Baisakh 1994 the Octroi duty is charged on goods in Poonch proper. The Wazir Poonch has stated that he will enquire about it. I want to know whether it is not a fact and whether the Wazir Sahib has no knowledge of it ?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerjee Kt.) : Your question does not arise. You have got the reply.

LALA RAM LAL : I want to ask whether it is a fact or not ?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerjee Kt.) : This question does not arise when the reply to part first of the question is in the affirmative.

LALA RAM LAL : I am also asking about the part (a) of the question. Will the Octroi duty charged thus in Poonch proper be considered as unlawful or not, when no such Octroi duty is charged in the State?

NOTE—(No reply was given to this).

11. LALA RAM LAL : (a) It may please be stated whether in the Government Gazette publication dated 3rd Baisakh 1994 on page 26 there was an advertisement for filling up of the posts of teachers. The pay for the post of Hindi and Sanskrit teachers fixed was at 20-1½-35 p. m. while that of an Arabic teacher was at Rs. 40 p. m.?

(b) If the answer to part (a) be in the affirmative, the reasons for this difference may please be stated, and it may also be stated whether the pays of Hindi and Sanskrit teachers will also be fixed at Rs. 40 p. m. ? If not, why ?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : (a and b) Yes. The pay of Sanskrit and Arabic teachers is Rs. 20-1½-35 in Middle Schools and Rs. 40 in High Schools.

LALA RAM LAL : Is the post of a Sanskrit teacher fixed at Rs 20-1½-35, as advertised in the Government Gazette, for a Middle school and that of an Arabic Teacher, similarly advertised, for a High School ?

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister) : Yes.

12. SARDAR KANHAYA SINGH : KHAWAJA SAIF-UD-DIN SHAH AND PANDIT GOBIND RAM : Has the attention of the Government been drawn to the Hamdard of April 24 in which it is stated that due to hailstorm the zamindars of Baramulla and Muzaffarabad Districts have sustained enormous loss in the Rabi crops ?

If so, what steps will the Government take to help the poor peasants ? Will the Government grant remission in land-revenue to the afflicted ?

COLONEL BALDEV SINGH PATHANIA (On behalf of the Hon'ble Revenue Minister) : No such information has been received in my office so far.

Enquiry will, however, be made and action as is usual in such cases taken as soon as a report in the matter is received.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt) : An application has been made by some gentlemen including Mr. Kilam, that Hon'ble the Revenue Minister may please ask the House to appoint an additional Sikh member to the Committee appointed on 15th April 1937.

THE HONBLE MR. K. N. KNOX (Revenue Minister) : Sir,

I have just received an intimation from the leader of the Conference Party that a Muslim member may also be appointed to the Forests Inquiry Committee along with the Sikh member. I have no objection to that. The House can appoint one Sikh and one Muslim member more. I move that one Sikh member and one member from the Conference Party may be appointed.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Do you propose any name ?

WAZIR GANGA RAM : I propose the name of Sardar Kanhaya Singh.

MR. M. A. BEG : I propose the name of Mian Ahmed Yar.

PANDIT RAM CHANDRA DOBEY : What, then, will be the total number of the members ?

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It was seven and now it will become 9. There are two official members ?

SARDAR DHYAN SINGH : I would submit that inspite of our repeated requests no attention is being paid to Sikhs. They have been ignored even in this Committee.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : It cannot be considered proper on your part to make these remarks at this stage.

Now the names of Sardar Kanhaya Singh and Mian Ahmed Yar have been proposed. Does any body oppose it ?

PANDIT LOK NATH : I propose the name of S. Wazir Mohammed Khan.

LALA SHIV NATH NANDA : I propose the name of Sardar Mal Singh.

KHAWAJA GHULAM MOHAMMED SADIQ : There are already two State Councillors Sir, and now a villager should be taken.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : The matter may be put to vote. The names of two gentlemen *i. e.* Sardar Kanhaya Singh, and Sardar Mal Singh have been proposed. The proposed will be put to vote.

SARDAR MAL SINGH : I withdraw in favour of Sardar Kanhaya Singh.

LALA RAM LAL : I propose the name of Subedar Khan Mohammed Khan in place of Mian Ahmed Yar.

SUBEDAR KHAN MOHAMMED KHAN : I withdraw my name. (Hear, Hear).

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Now resolutions.

SHEIKH ABDUL HAMID : Sir I, should be allowed time to speak on the resolution of yesterday. I could not finish my speech because the time was over.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Yes, you continue your speech.

Note : - Sheikh Abdul Hamid continued his speech.

SHEIKH ABDUL HAMID : I would draw attention to only two of the points as the time is short. Firstly, I would say that resolutions are brought in the House to reduce or to abolish the Customs duty altogether or to reduce the Land Revenue. In short, it is required that what sources of income there should be curtailed. I think it is impossible to carry on the administration and to keep it intact, if such proposals are given effect to. This resolution would have been quite agreeable and proper if it had combined with it a more comprehensive proposal, which would afford facilities in carrying on Government administration. I would submit that it is impossible to assess land revenue at the rate of Income Tax. It is not followed in any country. No doubt, this resolution is being put before the House for the second time, but the intention underlying it is that the rate of land revenue is high in the State, it should accordingly be reduced. It would have been a different matter if the resolution would have been brought to reduce this whereby some relief would be afforded to the zamindars. I would request my Hon'ble friend to think over it coolly and withdraw this resolution. With these words I oppose the resolution.

SARDAR KANHAYA SINGH : Sir the resolution moved by my hon'ble friend regarding the assessment of land revenue according to the principles of Income Tax and the speech delivered to the effect that if the land revenue is assessed in this way as income tax is realised there will be a loss of lakhs of rupees to the State are both untenable. In fact, the demand is for the reduction in land revenue. The Government themselves admit that the land revenue realised here is 30 per cent. and even 50 per cent. The Government are agreed that the rate of land revenue is excessive. I would submit, while depicting a true picture of the zamindars before the Government, that nothing is left with them. They have no utensils even and are extremely poor. The fact as to what is their condition can be ascertained if the officers make tours. The enhancement of the land revenue to such an extent in the past was due to the fact that the promotions were given to these officers who raised the rate of land revenue. The times

have changed now. It is not proper on the part of the Government if they, even now, do not contemplate the uplift and betterment of the zamindars. Lala Shiv Nath Nanda has stated that so many concessions are granted to the zamindars. I am aware of it, but I would say that no practical steps have been taken in regard to them. He has mentioned the concession about indebtedness. I would say that the bankers have profited by it, *i. e.*, the instalments were fixed in the case of huge debts. When these facts came before the commission it realised how the zamindars were hard pressed on account of the debts due to the Sahukars. The zamindar, certainly, deserved protection. You should realise the condition of the zamindars who have nothing to eat and nothing to wear. They have families to support. It is not true to say that zamindars act very extravagantly at the time of marriage ceremonies. If a zamindar has to marry away his daughter, he will have to bring together all requisites necessary for the performance of the ceremony by borrowing forty or fifty rupees. He does not stage a show of singing, playing and dancing as is done by the city men at such occasions. The zamindar does not arrange big banquets and entertainments for the guest for days together as is the case with the rich people. It is said that the zamindars are spendthrifts. I would submit that neither he gives away ornaments worth thousands of rupees in dowry nor prepares heavy 'Dajohru' of gold and silver as is done by the city people; but he simply manages to give some ear-rings worth about ten or fifteen rupees. The zamindars do not give banquets and have no shows of music as is done by Lala Sahib.

It has been alleged that they have all comforts. Lala Sahib will himself come to know of their plight if he, after having weighed himself, stays with them for sometime. Lala Sahib will not retain the same weight, but rather will be reduced. I am confident that their condition will rouse some sympathy in Lala Sahib's heart and he would be compelled to do something practical. However, I would submit, that efforts are being made by every Government to better the condition of the zamindars and to provide all requirements necessary for bringing about prosperity in the country. They know it fully that the prosperity of the country depends upon the encouragements given to the zamindars. All the necessities of life *e. g.* grains, fruits, vegetables, etc., are the out-come of their manual labour. Every Government, in these progressive times, is making every

possible effort to improve the condition of zamindars. We too, can as a right demand, from our Government the reduction in the existing rate of land revenue which is an unbearable burden on the zamindars. The resolution for the reduction in the land revenue is such as aims at realising the land Revenue in the manner in which Income Tax is realised; that it should be assessable to any limit according to the financial position of the tax-payer and it should be like a progressive tax. The major portion of sum, realized as Land Revenue should be spent for the betterment of the zamindars.

The sight of cities makes the zamindar think of the amenities provided to the city dwellers. Being depressed he too wishes that his house should also have electric lights and his children should also get educated. But he has got no means to do all this. The zamindars, by the sweat of their brow provide, you (urban members) with necessities of life and fill the exchequer. You ought to have sympathy for them. When the peasants of the world are on the way to progress, it is strange to find the peasantry in our country lying in utter neglect. The wheat of the countries from outside is being imported and sold here and there is no improvement in the produce of this country. The peasants, after filling the Government treasury, are left with nothing to make their both ends meet. As this resolution is free from communal bias therefore it should not be opposed by any of the members. The peasants, work hard and fill the Government treasury and provide us with the needs of life. We, therefore, should help to lighten their burden under which they are groaning. In the present circumstances he is not even able to maintain himself. With these reasons, I would submit in support of this resolution that the land revenue should be assessed on the principle followed in the case of Income-tax, so that the zamindars may have some facility and become physically strong and improve their produce.

MAJOR GENERAL JANAK SINGHJI: Sir, I feel incumbent on me to express my thoughts as my name too, was mentioned by my learned friend Mirza M. A. Beg in the course of his learned speech in this connection. In opposing this resolution it has been said that the "treasury" will fail if the practice of assessing land revenue in the manner in which the Income-tax is imposed is established. I cannot support this resolution as far as it attempts to evolve a principle which would adversely affect the State Treasury. I mean to say that this resolution has become ambiguous

because of the form in which the mover has brought it before the House, and those, who spoke in its favour, have tried to some extent to put life into the dry bones. For all practical purposes the subject matter of this resolution is fit for an academical debate. The real intention of the resolution as well as of the mover is that the land revenue should be assessed on the principal of Income-tax, and not that it should be imposed when the produce is worth more than two thousands of rupees. The present system of land revenue is, no doubt, rigid and inelastic. The object of the mover is to find some system which would remove rigidity and impart elasticity to the present system of land revenue. The zamindars sometimes incur loss due to calamities earthly and those brought about by atmospheric conditions. As a result of that there are bad crops, or else the produce cannot sell on account of economic depression. In spite of all this the revenue is realised from him at the rate at which it was fixed thirty years back, that is, he has to abide by the contract that he has entered into with the Settlement Department thirty years ago. The resolution is reasonable to this extent. In fact, there is rigidity in this system of the land revenue, and the resolution, that the land revenue be assessed in the manner in which Income Tax is levied, is being moved to remove it. But this system also will, probably, entail many evils. The zamindars will be oppressed by this system, too. It is necessary to take note at the outset of the hardships that they will have to encounter under it.

The present system of land revenue has been followed after an experience of full two years. The system, which was prevalent before, though elastic, caused many evils. Yesterday Moulvi Sahib in the course of his speech, "academic debate" stated that all lands belong to God. We need not enter into a discussion on this point as to whether God or the King is the right owner of the Lands. In reality the ownership of everything vests in God, and for the sake of management He has transferred the ownership to some person. The King cannot himself hold every part of his lands. The rights of proprietorship are with the tenants. It is an indisputable fact that different methods were in force for the realisation of "Government Share" at different times. At first the Raja used to take half of the produce, and then one-third, one-fourth till it came to one sixth and then to one-tenth. But the evils that this system brought about are fully known to the persons acquainted with the past history of Kashmir. It is possible that youngmen or

persons having short memory may not be able to recollect, but an old man like Moulvi Sahib might well remember that at first the department established to realise this produce was known as "Douljuise" and the system was elastic to such an extent that the share realised ranged from one-half to one-tenth of the produce. The system was troublesome for the Government as well as for the zamindars. Great difficulty was experienced in recovering "Mujwaza" during the time of the late His Highness. It was no easy task to recover grains from all over such a big State and collect it at one place.

Secondly the persons who went out to receive the Government share in the grains at the harvest were called "Kan-Koti". They were also required to appraise the crops. They were very cruel and were well known for their oppression. The system of realising a share out of the produce was in vogue in the ancient times and it was even in the days of Manu Ji. The same difficulties were experienced in those days also. The persons in charge of collection of grains were cruel. This oppression of theirs was so notorious that I feel inclined to cite an illustration. In ancient times, as written in Shastras, a *Chamar* woman was carrying water in a human skull and was sprinkling it along the route she took in carrying food for her husband. This she did in order to purify the path. The sun questioned her, "O Chamaran" why art thou purifying this soil when thou art thyself filthy. It is all the more polluted by thy purifying. She answered, "No doubt, I am a woman of low caste, and belong to the lowest rank of society and am polluted, but more profane and lowly persons who have gone by this path before me are those who steal from the soil and ruin the villages. I am, therefore, purifying this part by sprinkling water." They were the 'kankoti', who, in fact, ruined the villages. The existence of such persons was harmful for the people. The present system of settlement was enforced to combat all these difficulties.

Mr. Knox has stated that an attempt is made to fix the "distribution of Revenue in proportion to the produce and then to assess revenue on the assets according to the Market rates. "Net assets" mean whatever remains with the zamindar after fulfilling his requirements, and revenue is assessed on that. The assessor takes into account all the expenses incurred by a zamindar. The Government realise one-fourth as their share after deducting the cost of agricultural implements, seeds, manure and the plough etc. In short, there are so many considerations which affect the

assessment of revenue and the assessment is made after taking all such things into consideration. Some saving should also be allowed to the zamindar. The mistake that is inherent in this matter is that Government are agreed as to the thrifty habits of the zamindars. It is far from being the case. As to why these difficulties arise out of it can be understood by an illustration, a firm, which reserves some amount and in case of any loss to it, makes it up out of this reserve fund. The Government have assumed that the zamindars should have reserve fund of their own from a 'bumper crop'. But the zamindars have not done so. The Government have pre-supposed that a zamindar is thrifty and does not spend lavishly. But the fact is that he would marry twice or thrice if the land yields more than expected. He would thus spend the whole of his surplus and nothing will remain with him. In this way the trouble will ever increase. There are many ways to get rid of it and one of these has been contemplated in this resolution.

MIRZA M. A. BEG : Hear, hear.

MAJOR GENERAL JANAK SINGHJI : Elastic principles, as in the case of Income Tax should be adopted so that it may not pinch. For instances, we have got five hundred rupees at present ; after some time we incur loss and only two hundred rupees are left behind. The Income Tax is levied on this remaining sum. Similarly some such principles should be adopted in the land revenue system also, so that the difficulties experienced by the zamindars may be done away with. We are unable to support your resolution unless and until you place before the House some definite 'scale'. The minimum which was one thousand was raised to two thousands when the question with regard to the Income Tax came up before the House. Until the extent of revenue to be remitted is not stated in this resolution, nothing can be ascertained about the following three things.

Firstly, how far it will affect the 'Public Treasury'?

Secondly, to what extent should it be remitted and what will be its effect on the 'Interior economy' of a village?

Thirdly, what effect will it have on the 'Status' of the zamindars and also on the 'Public Treasury'?

The extent to which the revenue should be remitted has not been mentioned. For supposition's sake I would say that, as in the case of Income Tax two thousands should be the minimum limit for assessing land revenue.

SHEIKH MOHAMMED AMIN : Nobody said that.

MAJOR GENERAL JANAK SINGHJI : It does not matter in the least whether the limit is fixed at 500 or 200 or 15 or

ten. The people may agree to ten rupees limit. I would also suppose that the limit be ten rupees. The land-revenue upto rupees 10 should be remitted and if exceeds this limit it should be realised according to the scale in question. Either the people should study the rules or the Government should, at the time when the proposal comes up before it, ascertain the number of those who pay more and of those who pay less than Rs. 10. At places like U. P. where there is "Zamindari" or "Taluq-a-Dari" system, the persons who pay heavy amount of land revenue are affected most. Unfortunately, the 'Ryot-Wari' system is in vogue in our Province and throughout the Kashmir Province. There are only three or four per cent. cases in Jammu Province in which there is "Deh-Wari" system, otherwise the "Ryot-Wari" system is prevalent. This country is mostly populated by the Hindus, the Sikhs and the Muslims, and unfortunately, the "partitions" have to be made according to their personal law and customs. Every year the partitions are made with the result that the holdings are distributed in different shares. If you fix a limit of Rs. 10, the result would be to realise the revenue from those only who pay big revenues. There is no system of 'zamindari' in our country. Had there been one, it would have been quite different. The natural effect of it will be that the treasury will be depleted. Patwar Cess, education cess and road cess cannot be levied where land revenue is not assessed. The 'Nambar Dari' of a village will not exist if the revenue of a village comes down to Rs. 25 from Rs. 200.

MR. M. A. BEG : The 'Nambar-Dari' should be done away with.

MAJOR GENERAL JANAK SINGHJI : The Government can do nothing until you definitely put before the House the extent to which you want it to be reduced. A loss of 40 lacs of rupees will be incurred on account of this. The Government do not mind if the peasants can derive benefit out of it. Ten or twenty thousands is an ordinary thing. Unless a complete scheme is prepared, the Government is unable to judge as to how will it effect and what will be its effect on the 'interior economy' of a village and also on zamindars. Until it is done it is very difficult to do so. I would suggest that the mover should withdraw this resolution and should submit in a complete form. In my opinion the resolution should have been brought before the House in its present form and that it should only be brought as a definite scheme.

LALA RAM LAL : Well done.

SHEIKH MOHAMMED AMIN: Sir, I regret that some members have not been able to fathom the true underlying meaning of my resolution. The real object of my resolution is but evident. I could not have thought that Mr. Sharma and Sh. Abdul Hamid would thus interpret the principles of Income Tax. The speeches delivered by them are all irrelevant. So far as I have been able to understand, these speeches have been prompted by a desire to oppose the interests of the zamindars with regard to the land revenue.

What do these vakils do in the courts?

If a person commits murder.....

PANDIT LOK NATH SHARMA: Attack on the profession.

SHEIKH MOHAMMED AMIN: one of them becomes his vakil. He pleads that the accused is not guilty and should be acquitted even though the accused had in fact committed the murder.

My object was to move for some solution to be found in order to afford relief to the zamindars as they are unable to make their both ends meet because of the fact that they have not got sufficient land with them. Sh. Abdul Hamid has stated that land revenue will be assessed on more than two thousands of rupees as in the case with the Income Tax. The minimum taxable income for the purposes of Income Tax is prescribed as Rs. 2,000/- but this is different from land revenue. The principle on which income-tax is levied will be known when the law regarding Income Tax is studied. The income tax at first was levied on an income of Rs. 500 then it was raised to Rs. 1,000/ and then to Rs. 2,000. This system is in vogue in British India. The income-tax in foreign countries is not levied on these principles. I would submit that the principle followed in levying income-tax in those countries is that it is charged on what remains after deducting the expenditure of a married couple. The rate of Income Tax is also low. The Income-Tax, If a baby is born to them, is levied after deducting the expenses incurred on account of him. The same principle is followed if two or more babies are born to them. The Government should follow the principle of levying Income-Tax on the sum that remains after deducting the expenses of a person or a family.

THE HON'BLE MR. WAJHAT HUSSAIN (Home Minister): Is it done in the State also?

SHEIKH ABDUL HAMID: Is this principle followed here too?

SHEIKH MOHAMMED AMIN: No Sir, I was talking about the foreign countries.

SHEIKH ABDUL HAMID: Does your resolution pertain to

this place or to those countries?

SHEIKH MOHAMMED AMIN: The Hon'ble Revenue Minister in reply to the speech of Mirza M. A. Beg stated that the zamindar is unable to take up any work for a period of five months. As far as I can recollect Mirza M. A. Beg stated that it is a sort of taxation. The fact that they do not work at all should not be taken into consideration. I wish that a principle, that the taxation should be proportional to the income may be adopted. Government have every right to oppose. This is a question of details. Mr. Sharma has stated that details be considered in this connection.

The principle of Income Tax is based on the following:

(1) Ascertaining as to what amount of income is spent on the maintenance.

(2) In the case of factories and business concerns taxing the income other than what remains of investments after deducting the total expenditure. Amount of land revenue is exempted, and cost of labour is not taken into consideration. This is one of the principles. Income Tax is levied on net income. But this is not followed in the case of zamindars. The labour they put in should also be taken into consideration and the revenue be assessed on the net income according to a progressive rate like that of the Income Tax. For instance, if a person has an income of Rs. 500 and other has Rs. 1,000 and another has Rs. 3,000 the Income-Tax levied will be proportional to their incomes.

It is the principle of Income-Tax that the tax imposed shall vary according as the income is more or less, but the case of land revenue is quite different; the revenue once assessed at a settlement remains so for ever. For instance, wheat is cultivated in a particular land one year and barley in the next, the revenue realised is the same in both the cases even though there is a marked difference between the income from these two crops.

I would cite an example from Layalpur District. At the time of the settlement the revenue was assessed there according to the income from the produce, and every year an assessment was made at the time of 'Girdawari.' It was subsequently amended under the Regulation of 1928.

I accept Mr. Sharma's challenge as to the existence of country where revenue is assessed according to the income and where such a resolution has been moved. I will cite an example from Russia.

PANDIT LOK NATH SHARMA: We do not want Russia here.

SHEIKH MOHAMMED AMIN: I will quote an example from the Punjab.

In Russia the Government gives land to the people for cultivation and receive all the produce. An estimate of the expenses of a cultivator is prepared and he is given money to meet his domestic expenditure.

I will also submit an instance from the Punjab. I rang to Sir Jogindar Singh to get details, but could not speak on the telephone. Last year such resolutions were moved as concerned the districts of Jhang, Multan and Sheikhopura, and as an experiment the principle of assessing land revenue according to income has been adopted there in order to ascertain as to how far the zamindars have facilities under this system. In spite of my efforts, I was not able to speak to Sir Jogindar Singh in order to get details. I should state out-right that the Punjab Government is following this principle and a great injustice is bound to be remedied. According to the practice prevailing here, land revenue is charged on half of the produce whereas in the Punjab it is charged on $\frac{1}{4}$ of the produce. I would like to draw attention of the residents of the cities to the fact that they always come in the way of zamindars whenever any matter beneficial to them is under discussion while the representatives of the zamindars never oppose any matter concerning the city people but instead co-operate with them. They should feel it. I would submit, as an instance, that the "Resolution concerning "Electricity" was introduced twice at Srinagar and this could not be passed without the help of the zamindars. They rendered all help to the citizens and got the Resolution passed, otherwise the Government would never have accepted this resolution.

The Bill to amend the Income-Tax Regulation was also passed with the help of the zamindars, who fully co-operated with you. It was stated on their behalf that the tax was improper and an unreasonable burden on the State treasury on account of the establishment of the Income Tax department. Similarly the zamindars have co-operated with the city people in other matters which come before the House from time to time. For example, in the case of 'Nalamar' (Laughter)

The Criminal Law Amendment Bill was introduced merely for the city-people, but at the time when you protested against it, the zamindars also supported you. We are extremely grateful to His Highness the Maharaja Bahadur for the laws which have been introduced for the benefit of his subjects and which have been referred to by

Mr. Sharma in his speech. In the same connection I wish to draw the attention of the House to the "Agriculturist Relief Regulation" of the Travancore State. This Regulation contains so many clauses which are better than those of the Regulations in force in this State. You will know as to how many safeguards have been provided for the zamindars in Hyderabad State, if you examine the 'Indebtedness Relief Regulation' of that State. There is no such Government on the face of the earth which does not provide safeguards to the zamindars. It is only the zamindar who turns the soil into gold, by his toil. Otherwise what does the Government care for the zamindars and help them in this way.

Major General Janak Singhji has referred to a 'scale' in his speech. I think he did not hear my introductory remarks. This matter concerns the details and the Government only after having worked out the details will be able to realise as to what loss will it entail. I have placed before the House a principle and we want that it should be accepted. The Government can be left alone to realise revenue according to progressive scales of 10 or 15 or in any other manner. What we have to see is that the revenue should not be realised from a zamindar who can hardly make his both ends meet from what he gets out of his agricultural produce, and that the Government should fix a standard which would serve our purpose and the land revenue should be assessed according to the income. I am confident, the Hon'ble Revenue Minister, who takes much interest in the affairs of the zamindars, would condescend to this principle and accept this resolution. It is for the Government to consider as to what will be the better procedure after this resolution is accepted. At the same time I would submit that the Government will not encounter any difficulty in ascertaining the income as the revenue is assessed on the Girdawari system by which the produce of each Khata can be known.

What I mean is that there are no sound reasons to keep an unjust law in force in the State because it exists in the British India, especially when every person considers it as devoid of justice.

Mr. Beg had requested the Hon'ble Revenue Minister to tell the House as regards the procedure followed in England and America and he replied that he does not know that. As far as I know, there is not a country, where the zamindars are treated in such an unjust manner. I am confident that all the members will support me and will get

this resolution passed (Cheers).

THE HON'BLE MR. K. N. KNOX (Revenue Minister): Sir, I do not propose to detain the House very long in replying to the Hon'ble mover. I feel that the discussion which has been carried already is as far as can be useful. My Hon'ble and gallant friend General Janak Singhji has, in his eloquent speech, made very clear to Hon'ble members what are the defects of the present system and what are the difficulties about removing them. I do not feel myself that the principles or the methods of Income Tax assessment are at all suitable to the assessment of tax upon land. I am not sure that Income Tax assessment is very successful in India. My friend Mr. Nanda says that he would very much prefer the hand of the Revenue Minister to the hand of the Finance Minister when he gives Income Tax to the Government, as he believes that assessment under the land revenue system can make his money elastic.

Income Tax is essentially worked out to suit a system of purely business income in an ascendant order and the hon'ble members opposite have argued with considerable force that when there is a bad crop the land-revenue should be reduced. But they have not followed the corollary that when there is a good crop the land-revenue should be increased and from my experience and my study of the history of the land-revenue system, zamindars as a class would very much prefer to have a moderate assessment fixed for thirty years rather than an assessment which would move up and down. As my hon'ble friend General Janak Singh has reminded the House, in the old days when the land-revenue used to go up with better crops, the result was that it could not possibly be borne by the zamindars. That is one of the principles of the assessment of Income Tax: that the tax varies from year to year and the income is studied each year, but it is not the case with the produce of the land.

I sympathise with the motive behind the resolution and I do believe in taxing the rich and letting off the poor, and I will not forget the proposal of my hon'ble friend of making any possible improvement in the present system, but I oppose the resolution in its present form.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): There is an amendment to this resolution, but it will be taken up after this resolution has passed, because it will fail automatically if the resolution is lost. The resolution before the House is that land-revenue be assessed on the same principle as is followed in assessing the Income tax. Therefore the members in favour of this resolution should

raise their hands.

VOICES (Conference Party): No Sir, votes should be taken by ballot.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Those who wish that land-revenue should be realised in the manner in which Income Tax is charged should write "Yes".

Note.—Votes were taken. 21 in favour and 44 against.

Resolution lost. Now the resolutions entered in to-day's list will be taken. The first resolution stands in the name of Lala Ram Lal.

The Assistant Secretary read out the resolution No. 1 of Lala Ram Lal :—

"This Praja Sabha recommends to the Council that the attention of the Poonch Government be drawn up to the fact that the Telephone lines from Poonch to Tehsil Mendhar, Sadhnoti and Bagh through Rawalakot be set up."

LALA RAM LAL: Sir, the Poonch Government have also realised that the public are, in fact, inconvenienced for want of Telephone lines. The Wazir Poonch has stated in reply to a question of mine that he will try to place the matter before the Durbar and the Telephone lines will be set up. Now, if the Wazir promises in reply to this resolution in the same words in which he replied my question I will withdraw the Resolution.

SARDAR DAHYAN SINGH: Sir, there is no reason why the Poonch be deprived of these facilities when such needs of life are provided with and Telephone lines and Telegraph offices are set up everywhere in the world. Many of the people from Poonch served during the Great War and even British Government admitted that it was very necessary to set up a Telegraph office at Sudhnoti so that the information may be had with regard to those young-men who had gone to the front. Had our Government paid attention to this, we would have requested the same for other Tehsils, and gradually the Telegraph offices would have been opened in every Tehsil. But our Government paid no heed. Now the resolution regarding the setting up of Telephone lines has been moved by Lala Ram Lal. I submit that Telephones are greatly needed and I support this resolution.

WAZIR FEROZ CHAND, (Wazir Poonch): The Hon'ble member has moved this resolution for the purpose of linking the headquarters of the Tehsil Mendhar, Sadhnoti and Bagh with Poonch by means of establishing Telephones lines.

A separate answer to this has already been given in reply to Q. D. No. 442 of this Session. The proposal of linking Poonch with head-quarters of Tehsils by means of Telephone lines is an expensive project, and would most probably entail at the very outset heavy expenditure of the Government amounting to lakhs of rupees. For instance, if for the purpose of setting up a Telephone system wooden poles are erected from Poonch to Dharamsal, it would cost about 90 thousand rupees, and in addition to it there would be a permanent demand of other indefinite expenses for the upkeep and looking after the lines and for the establishment which would do all this. I think that the income would not amount to one tenth of the expenditure which would be incurred for keeping an establishment, not to say of other heads of expenditure. Moreover there is no hope of getting back even one percent of the capital spent by the Government. The population of the head-quarters of Tehsils Dharamsala, Bagh and Palandari is one thousand, two thousand and one thousand respectively. The number of shops would also be 30, 150, 30 respectively. For this reason also this proposal is not practicable. Moreover these places are not business centres. It would not be of great benefit to link Poonch proper with the headquarters of the Tehsil by means of Telephone lines. There will hardly be any necessity of keeping business communications between these places and Poonch proper. It is impossible for the Government to supply funds for the purpose in these circumstances especially when heavy reductions had to be made in all the items of the Budget in order to balance it. I am afraid that we have no expert for this purpose and possibly we will have to borrow the services of one from His Highness' Government, which our present finances do not allow. Moreover, the present scanty resources of the '*Illaga*' prevent the adoption of proposal embodied in the resolution moved by the Hon'ble member. I hope that in view of what has been stated above the Hon'ble member will withdraw his resolution. I strongly oppose the resolution on the grounds mentioned above. I hope that all the members of the House will support me.

LALA RAM LAL VAKIL: Sir, I submit that even in the present days of enlightenment when every Government in the world tries to provide its subjects with every comforts and facility and devises means for their betterment and particularly when the Government of Jammu and Kashmir have also followed it, there seems to be no reason why arrangements be not made for providing needs of life in

Poonch, which is an important part of the State. The people of that place requested for opening a Telephone lines, so that they may have facilities in their bussiness. I am told that the Poonch administration cannot afford to set up a Telephone line for the present. In opposing this resolution the Wazir Sahib has stated that a sum of Rs. 90,000 will have to be spent on this project. I submit that the Budget which, has been prepared is not based on correct statement. The Tehsils, where Telephone lines are requested to be set up are not separated by a distance of 30 or 35 miles from each other. I am at a loss to understand as to how the sum of Rs. 90,000 can be spent. We do not say that we should have iron poles as are used in Jammu and Kashmir, and do not ask for other costly things, we can carry on with the help of wooden poles. The trees, which are standing in fields over which the lines will pass, would serve the purpose of poles. After all we also live under the same sky and worship the same God, why are we cut off from the rest of the world. Sardar Dhian Singh has referred to the people residing in Palandri and stated that they have rendered many Military services and many persons are still serving in the Army. But on account of the absence of Telephones they encounter many difficulties and timely information cannot be received. It was in view of these hardships of theirs that this request was made.

Wazir Sahib has admitted that it would mean a heavy expenditure if wooden poles are used. There is no need of wooden poles as the trees can serve the purpose. Unfortunately all proposals that deal with the matters concerning Poonch are turned down. Nowhere else in the world we find that a similar treatment is meted out. I would say something to make my point clear regarding the difficulties of the public. The Wazir of Poonch has admitted when replying to one of my questions in which a mention of the complaints of the public was made. In spite of all this there is no hope that a few thousands of rupees will be spent on it. The State gives foremost consideration to its own interests in every matter. When works of public utility are undertaken, no question of profits should arise. Similarly the proposal of levying octroi duty on all imported goods in the Poonch was sanctioned. It was said in this connection that there was no octroi duty on foriegn goods. It cannot be denied that there is no octroi duty in Poonch on all foriegn goods, but what right have the Poonch Administratson to levy this duty when no such

thing is done in the Jammu and Kashmir State. The Hon'ble Finance Minister stated that cotton seeds are exempted from Customs duty, but he did not say that it was an improper levy. No special favour is shown by abolishing it. Another thing, that, cropped up during the Budget discussions in the last Srinagar Session and which amongst other reasons was one for the "walk out" staged by our brethren, was a demand for an appreciable increase in the grants to the village school. As far as the schools of Poonch are concerned it was said that grants will be given to them, but nothing has been given. If in any certain case the grant has been allowed, it was only after a period of six months and did not prove beneficial. A grant of Rs. 9,000 was demanded for the schools in the House. In reply it was stated that a grant of Rs. 6,000 is allowed. There is no question of six thousands or nine thousands. The point in issue is that the Government should not hesitate in giving practical shape to whatever is passed in the House. Our requests are turned down mercilessly and the public demands are rejected. I inform the House of these conditions and request it to support the resolution.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): A reply to this resolution has already been given. Now the gentlemen in its favour should raise their hands.

LALA RAM LAL VAKIL: By ballot please.

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.): All right. Those in its favour should write 'Yes' and those who oppose it should write 'No'.

NOTE.—(Votes were taken). 12 votes in favour and 44 votes are against it. Therefore this resolution is lost.

LALA RAM LAL VAKIL: We congratulate Wazir Sahib.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.):

RESOLUTION NO. 2 OF PANDIT RAM CHANDRA DOBEY.

NOTE.—(The Assistant Secretary read out the following resolution).

"This Praja Sabha recommends to the Council that in the villages the Chowkidars be required to appear at the Police Stations after every month instead of presenting themselves weekly or fortnightly as required under rules regarding Chowkidars".

PANDIT RAM CHANDRA DOBEY: Hon'ble President! Rules pertaining to the chowkidars which were sanctioned by His Highness under Order No. 352 of 12th June 1911 are still in force. Under 'Duties of Chowkidars' these rules it is laid down that it will be the duty of every chowkidar to personally report every week the matters concerning his

Illaga to the Officer-in Charge of Police Station within whose limits his patrol circle is situate. Moreover he will be duty bound to submit weekly reports of births and deaths at the concerned Police Station and every chowkidar will have a book with him in which will be entered his weekly attendance at and absence from the Police Station concerned. Moreover, further restrictions, that have been imposed on them for the immediate presence and submission of reports, are as follows :

(1) The report regarding whereabouts or residence of any person passing under suspicious circumstances or regarding a person who has no ostensible means of subsistence or who is an habitual offender, house breaker or thief should at once be made in the Police Station; moreover the ingress of the suspects in the villages should be reported.

(2) He shall report if a person of bad character whose name is entered in Register No. 10 residing in his *Illaga* leaves at night without information.

(3) He shall also report regarding a person about whom reasonable suspicion exists that he is a deserter from the Army.

(4) Immediate report is to be made regarding unnatural deaths.

(5) The disputes, that are apprehended to create riot or serious affray, should necessarily be reported.

(6) An immediate report regarding the commission, attempt or abetment of the following offences shall have to be made—

Roit, concealment of birth, abortion, desertion of a child, mischief by fire, poisoning, murder, dacoity, theft, robbery, house-breaking, grievous hurt, administering of Charas, kidnapping, secret trespass etc.

(7) Report regarding the breaking up of epidemics like consumption, cholera, plague etc. will have to be made.

(8) It will be the duty of every chowkidar to interfere and report about, an offence committed against the provisions of Criminal Procedure Code and cognizable by police.

In view of these things it is worth consideration that a chowkidar is a village servant whose first and foremost duty is to keep watch over it. How can he keep watch when he spends most of the day in a week in coming from and going to the Police Station. The fact that a chowkidar is not relieved immediately after recording his presence in the book with him, but some time is also spent in supplying the needs of the officers at the Police Station. It is imperative on the chowkidar to submit personally the above

mentioned reports in additions to the urgent ones. Chowkidar's attendance after every month instead of after every week is quite proper because a monthly chart of deaths and births is prepared. This change will be useful as regards better arrangements for keeping watch on the villages. The Police Stations in certain hilly and kandi *Illaqas* are situated at a distance of 15 or 20 miles from many circles and half of the week is spent by the chowkidars in coming and going or in winning over the favour of the officers at Police Station for their own safety. I think the House will be moved and will unanimously request the Government to change the weekly attendance into monthly one and pass this resolution.

LALA HANS RAJ: I support it.

THE HON'BLE MR. WAJAHAT HUSSAIN: Sir, I feel that there is none other who will support this resolution and the matter will be easier for me.

LALA RAM LAL VAKIL: It has been supported.

THE HON'BLE MR. WAJAHAT HUSSAIN: You are ever prompt. It is a fact that if this resolution is discussed in this House, nobody will support it. Unless a Committee is appointed, the Government cannot thoroughly ascertain their condition. Now the thing to be considered is as to what system the Government have adopted which would help them, in eliciting information in regard to them. Two parallel systems are in vogue in India. One is Revenue Department and the other Police. Whatever happens in a village can also be known through the Patwaries. Similarly in many cases the information can be had from the Chowkidars. The Revenue Department is not well organised. The information is never sent to the Revenue Department wherever there had been a permanent Settlement. The reports with regard to the villages are submitted by the Police, in Bihar and Bengal where there was a Permanent Settlement. Similarly in the State we receive reports from Revenue Department and the Police. The Patwari also submits such reports to the Police Station and the Chowkidar too submits the reports of his villages or *Illaqas* to the Police Station. The Police then sends these reports to the officers of other departments. Now the question that remains to be decided is whether the Chowkidar to whom this resolution concerns, be given unfettered power, and that he should report about whatever happens in his village according to what he deems important. The Chowkidar is a menial and the work he has to perform is enormous. If everything is left to his discretion,

it is feared that he would not submit reports of such occurrences which are necessarily to be reported at the Police Station. Such occurrences have been mentioned in a detailed list read by my learned friend Pandit Ram Chandra Dobey. His work is most important. Last year, that is, in 1935 the Cholera Epidemic raged. The Director of Medical Services was of opinion that it could have been brought under control if the information had been given to the Medical Department, or the Revenue Department or to the Police Department within a week. Not more than fifteen or twenty thousands of rupees would have been expended where one and a half lakh of rupees have been spent. The epidemic in the Kashmir Valley raged because of the negligence of Chowkidar who was late in submitting the report. The Cholera broke out in the constituency of my friend Pandit Ram Chandra Dobey.

MR. M. A. BEG: Point of order, Sir! Will the Hon'ble Home Minister state whether the doctors reached in time in the constituency where the Cholera broke out.

MR. PRESIDENT: (The Hon'ble Sir Lal Gopal Mukerji Kt.) It is not a Point of Order.

The House adjourned for lunch.

AFTER LUNCH.

THE HON'BLE MR. WAJAHAT HUSSAIN: Sir, it has been stated in the resolution that a definite period should be fixed for the chowkidars to present themselves at the Police Stations. But the question arises as to what should be the period. Pandit Ram Chandra Dobey has stated that the period should be one month but according to the present practice the chowkidars have to attend at the Police Station after every week or fortnight.

The Police Department also realised that certain chowkidars have to come from a great distance to report their presence and thus they face great hardships because of their weekly attendance at the Police Station. Consequently the rule was amended and order was issued that the chowkidars, who have their circles situate at a distance of ten miles or more from the concerned Police Station, should report their presence after every fortnight instead of every week.

This matter has also come to the notice of the Inspector General Police and he is considering the question of removing the hardships caused to the chowkidars on account of the weekly attendance. Personally I am thinking that the chowkidars, who come from far off circles situated at a distance of more than ten or twelve miles

to report their attendance undergo many troubles and that they should not be made to present even after ten or fifteen days. In their case, it is quite reasonable to present themselves after every month. On the other hand it would be quite difficult to accede to if it is required that the chowkidars, whose circles are at a distance of four, five or less than ten miles from concerned Police Stations, be not made to report their presence weekly. A resolution like this can never have our support. Although Pandit Ram Chandra Dobey did not set down in his resolution but he has mentioned in his speech that the chowkidars should not be asked to work at the Police Stations. Here, I think it necessary to make clear that the chowkidars do not come to Police Stations merely to submit reports but they are required to perform special duties if any at the Police Station. I admit that sometimes they are made to perform duties which are causes of great trouble to them. I do not hesitate in admitting that the Police Department is not free from corruption. But here I deem it necessary to make clear that orders have been issued to the Police Department for the purpose of checking such undesirable practice and if even in the presence of such orders, the hardships are not removed, the people should bring such matters to the notice of "Anti-Corruption Committee" appointed for the purpose. The Committee would certainly take this into consideration. As regard that portion of the speech, which states that the officials in charge of the Police Stations should see that no chowkidar is delayed unnecessarily and that duties they are made to perform should not be excessive because the chowkidars who come for reporting their attendance, have to stay there for long on this account. I would say that a similar proposal concerning the issuing of orders to require the attendance of the chowkidars of distant circles after every fortnight, or rather after every month and the issuing of directions to keep the chowkidars engaged as far as possible, and not to make them work too hard is being considered by Inspector General Police. Here I want to make it clear that there is some difficulty in issuing such orders and I cannot promise this unless the concerned officers report that no complication would arise as a result of issuing such orders. As all the members of Praja Sabha know from the experience gained during the discussions on Land Revenue Act that many difficulties are encountered in issuing general orders, I assure the Hon'ble mover on my behalf that this resolution will

recieve sympathetic consideration in every respect. Efforts will, in fact, be made to prescribe a fixed period of one month for reporting the attendance in the case of the chowkidars who come from far off places to the Police Stations. For instance, a period of one month will be fixed in the case of those chowkidars whose circles are at a distance of more than fifteen miles from the Police Station. Rather I would say that in such cases the period should be more than one month. There is no reason why the period of attending Police Station be not fixed one month instead of one week for all chowkidars, in case it were only birth and death that they were required to submit reports. Of course, under special circumstances, *e. g.*, cases of serious nature or out-break of any epidemic, the chowkidars must submit report regarding this in the Police Station as early as possible. I hope Pandit Dobey, on this assurance, will not "press" his resolution.

I, also, want to state that before leaving the State, I will issue necessary instructions to the Inspector General of Police for an early and careful consideration of this matter.

MR. PRESIDENT : (The Hon'ble Sir Lal Gopal Mukerji Kt.) : As no other gentleman wants to speak on this resolution therefore ?

PANDIT RAM CHANDRA DOBEY : I want to speak in reply. I am prepared to withdraw my resolution if the Government have a genuine desire to amend the existing practice so that the chowkidars, who reside at a distance of more than 15 miles from the Police Station have to attend after every month and those who reside at a distance of less than fifteen miles, have to attend after a fortnight and necessary orders are issued in regard to it.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : As the consent of the House is necessary the gentlemen who want that the resolution may be withdrawn should raise their hands. (Hands were raised).

NOTE.—Resolution withdrawn with the permission of the House.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Resolution No. 3 of Sardar Kanhaya Singh :

NOTE.—(The Assistant Secretary read out the following resolution of Sardar Kanhaya Singh) :—

"This Praja Sabha recommends to the Council that the duty on the produce exported from the State territory be remitted".

SARDAR KANHAYA SINGH : After I sent this resolution a meeting of the Agricultural Standing Committee was held under the Presidentship of the Hon'ble Revenue

Minister in which it was discussed that.....

A VOICE : He cannot disclose the proceedings of the meeting of the Standing Committee.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : (To Sardar Kanhaya Singh) This is being objected. The proceedings of the Committee are confidential.

SARDAR KANHAYA SINGH : I want to refer to the proceedings because it concerns my resolution.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : You should confine your statement to the result of the proceedings only.

SARDAR KANHAYA SINGH : It was stated in that Committee that the question of exempting fruits and ghee out of the products of the State from export duty is under consideration. The object of my resolution can be achieved if it is done. I would withdraw my resolution in case the Hon'ble Finance Minister on behalf of the Government gives an assurance to the effect.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : (Addressing Sardar Kanhaya Singh)

It is not the right procedure. You should, first, move your resolution and it will be seen after the reply has been given.

THE RAO BAHADUR THAKAR KARTAR SINGHJI : (To S. Kanhaya Singh). You move your resolution.

SARDAR KANHAYA SINGH : The object of my moving this resolution is that the duty on the produce which is exported from this State should be abolished, because a terminal tax is levied on such exported articles in the countries wherever they are taken. There are some articles on which this duty is levied here. I, therefore, want that articles such as ghee and fruits should be exempted from export duty. The zamindars prepare ghee only after paying Kabcharai Fee and similarly land revenue is realised on the land on which the fruit trees stand. At the same time, a duty is levied if ghee or fruits are exported. There is a levy of four annas per box of fruit. A duty is again levied on these articles in British India when they are exported from the State. In this way, we do not get the satisfactory prices for our produce. As a result of the hardships to the traders, the zamindars and consequently this country are put to a great loss. I think our country will gain much if this export duty is abolished. I am confident that with due regard to what I have said the Hon'ble Finance Minister will accept my resolution.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Does any body support it?

Haji Ahmadullah Shahdad: I want to speak in support of this resolution. As zamindar is the main source of the supply of commodities of every sort he is the person in the first instance, who brings them in the market. The natural result of decrease in the export of goods by levying export duties will be the reduction in the prices within State territory due to the over production of goods. The zamindar will be directly affected by this reduction in the prices. This poor man cannot enjoy the maximum benefit out of his productions which are the outcome of extreme hardwork and labour of all the members of his family. The traders, though they do not have much gain by the export of those commodities still receive some benefit out of the trade in the outside markets against the original prices at which the goods are purchased. But when the zamindar does not receive the value equal to his labour, and when he is faced with difficulties owing to his own necessities and the Government demands *i. e.*, the revenue is to be paid, he, however is forced to sell for the sake of his life all these commodities at petty prices. It is quite evident that due to the reduction in prices the zamindar in the State finds no market which may allow full prices for his commodities. Due to this the condition of the zamindars is deteriorating day by day and the person whose existence should be respected is hard-pressed. In my opinion the zamindar will be primarily and directly benefited if the export duty on commodities is abolished in the State and then the traders will also be benefited. The levy of export duty in the State seems to be based on two reasons. First, as a result of the duty from the State the export would decrease and there will be plenty of the commodities on account of which the people will have comforts and prosperity. Secondly this duty on the exported goods is a source of income to the State. Does the justice require that the city people may have abundant commodities at low prices and the poor zamindar class be deprived even of the benefit out of the things produced by them? Experience is the best tutor. In the light of Rules and Procedure in force in foreign countries, it teaches us that the trade flourishes in the countries where there is no export duty and plenty of goods are exported. In the present times trade is the only source of all round prosperity and increasing income. In countries where it is encouraged the resources of the

Government the prosperity of the country is enviable. In my opinion it is a well known and admitted fact that the trade is a cause of country's prosperity, the remedy for all its evils and mark of its good fortune. Every person is contented and happy wherever trade is making fast progress. I do not deem necessary to enter into a long discussion, but I wish to submit a point in the House, which is that the very existence of the zamindar in fact is the cause of every progress and prosperity. No one in this world can thrive if the zamindar is oppressed. Moreover the trade is the only occupation in this world that enables to lead a life of comfort with freedom and respect by raising him to the zenith of progress provided the trade facilities are afforded. In the modern times every civilised Government of the world is trying day and night to encourage the trade. Take the case of Japan. How other countries are creating obstacles in its trade, but the Government of Japan do not impose any tax on its exported goods which are flooding markets throughout the world. Japan is prospering every day and is easily supplying its goods to other countries. The goods can conveniently be transported from one place to another in India because every city is connected by railways and it can be done at a low freightage. But in our State there are neither good roads, nor adequate means of communication nor there are any trade facilities. On the contrary, the rate of carriage from Srinagar to Jammu or Rawalpindi is very high due to the absence of the railways. In addition to all this the exported goods are made very dear because of the export duty levied on it. For example, the export duties on Kashmiri raw wool is Rs. 5 per maund; on Pashmina Rs. 5 per maund; on hides Rs. 5 per maund; on almonds Rs. 2 per maund, on fruits Rs. 2 per maund and so on and so forth. For this reason there is no demand of the goods of this place from outside. The zamindar who is the main source of the supply of these goods and who is mostly affected by the duty, does not derive any benefit in lieu of his labour and toil, though he is always groaning under the heavy burden of his own needs of life, other funds and Government demands to satisfy which he is constantly under debt.

I think that the exemption from the export duty of all goods will prove much beneficial for the progress of trade, for the good of zamindar and would add to the income of the State. I hope the Hon'ble President and the members will agree to and will accept the resolution.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGHJI: Sir, before I explain the attitude of the Government in considering this resolution, I will submit some facts before the House, which may, after hearing them, form an opinion. This export duty is not only levied in this State but in all the States. A reference to a 'Civilized Country' is always made in this House. I submit that even in British India export duty is levied. The export duty in the State is not levied on all but only on a few of the commodities.

PANDIT LOKNATH SHARMA: Only on eight articles.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGHJI: It is only the buyer and not the seller who is affected by the levy of export duty. What has been stated by my hon'ble friend Mr. Shahdad that the duty on almonds is Rs. 2 per maund, is not correct. It has been reduced now to Rs. -/8/- per maund. It was Rs. 2/- a year or two, before. Recently the road toll has been reduced by 25 per cent. and they have derived benefit from this reduction. Similarly the Government is considering the case of duty on ghee. I will again draw the attention of the Government to this matter and will try for the reduction in the export duty on ghee. I am at a loss to understand all what has been said that the zamindar are in trouble and they are oppressed. What export duty are they required to pay? Of course, they would have some trouble if export duty had been imposed on rice. Rice is already exempt.

MIAN AHMED YAR: But duty is levied on ghee and wool.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGHJI: Now remains the question of fruits. I do not think that a person who owns big gardens and receives large profits will ever have any difficulty in paying the export duty. Besides there is another important consideration. The State is on the eve of entering the Federation. We do not know on what conditions the British Government will settle this issue. It is still to be seen whether the Customs Department will be abolished or some other arrangements will be made or a compensation equivalent to the income of the Department will be paid to the State. How can we make reduction in this duty unless this issue is settled? It is not proper at this time to reduce the income by four lakhs of rupees. In addition to all these things that I have just stated that the Government is contemplating reduction in duty on ghee, the duty on sugercane has been remitted about which there were many complaints. A similar proposal has now been made about potatoes. The question of remitting of export duty on potatoes used for cultivation purposes has practically been

decided. The members of the Praja Sabha may name any other article besides this which are exported and their export is effected by this duty. I am always prepared to consider that.

KHAWAJA GHUJAM MOHAMMAD SADIQ: Wool.

THE HON'BLE RAO BAHADUR THAKUR KARTAR SINGHJI: That is a different matter. You come to me. I will sympathetically consider that. But a loss of four lakhs cannot be borne. I hope that my friend will, on this assurance, withdraw this resolution,

SARDAR KANHAYA SINGH: Sir, the Hon'ble Finance Minister has stated in his speech that Government is considering the case of export duty on ghee. I submit that the question of export duty on wool should similarly be taken into consideration. I will again submit about the fruits. The zamindar pays revenue for the exported fruits. They have also to spend a lot for storing the fruits. The case of fruits therefore, should necessarily be considered. I am ready to withdraw my resolution if duty on these articles is remitted.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): The gentlemen who are in favour of withdrawal of this resolution should raise their hands. (Hands were Raised).

NOTE.—The Resolution was withdrawn with the permission of the House.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Resolution No. 4 of Pandit Amar Nath Kak.

NOTE.—(The Assistant Secretary read out the following resolution of Pandit Amar Nath Kak.) :—

“The Praja Sabha recommends to the Council that a Commission consisting of officials and non-official members of the Praja Sabha with power to co-opt experts be appointed for enquiring into the possibilities of Industrialisation of the State and to prepare a practicable scheme for that purpose”.

PANDIT AMAR NATH KAK: Sir, I want to move this resolution in the Praja Sabha. At first this resolution was moved in the first session of Praja Sabha and the then Development Minister stated in his speech that it would soon be adopted to make the industrialisation of the State possible and on that assurance it was withdrawn. It is two years since and no attention has been paid to it. The circumstances seem such that Government will not pay attention to it in future, too. This resolution, therefore, is again moved in the House. I think that it is a very important resolution. It is important because it is the only way to improve the condition of the people. There is

a struggle inside and outside the House for providing services to the people. Unfortunately it is sought on the basis of communal representation. In this manner much time is lost and many differences crop up. The prosperity of the majority of the people of this country depends not on services but on the industrialisation of the country. Millions of the people of the State depend mainly on agriculture for their subsistence. But the system of zamindari *i. e.*, of small holdings, is not capable of providing them even with bare necessities of life and as a result they remain unemployed for the greater part of the year. They cannot maintain themselves throughout the year. It is necessary, therefore, to introduce "Small Scale" industries in the country so that every zamindar in addition to his agricultural pursuits may occupy himself in some small industry and live happy. Thousands of the people living in the State will be able to earn their livelihood if large scale industries are introduced. Small scale industries are necessary for the zamindars of this place, for it is their subsidiary occupation. But I would submit that the introduction of small scale or large scale industries is absolutely impossible unless Government take special interest in it and all such impediments that retard their progress are removed. The economic position of the people of the State is not such that this important task may be accomplished without the help of the Government. I do not want to enter in details as the time is short and there are many resolutions awaiting their turn to be taken up for discussion. I would, briefly submit that it is necessary that the Government should prepare a scheme for the purpose of encouraging small scale and large scale industries in the State should adopt a specific policy, to work the same so that the wishes of the House are carried out. Possibly it may be said in reply that there is already an Industrial Department in the State and that so long as it exists there is no necessity of adopting any other means. The experience has shown us that this department has no definite policy in this respect. Many schemes have been prepared and of these some have not been given a fair trial and some were dropped in the course of experiment. All this resulted in a loss of thousand of rupees to the State. We cannot depend only upon Industrial Department for developing our industries. The preparation of a definite scheme is necessary in order to go into all those particulars which are essential to the progress of small scale and large scale industries as is done in other countries like British India

and Indian States. The Boards of Industries are constituted over there and steps are taken in accordance with these advices. Therefore it is necessary to appoint a Commission here which should constitute of both official and non official members who should see as to which of the industries can be established in the State and what facilities can be provided to make it a success. It should submit scheme regarding these to the Government and it shall be the duty of the Government to give such a scheme practical shape so that it may add to the prosperity of the State and do away with poverty and unemployment.

MIAN AHMAD YAR: I want to speak in support of the resolution before the House. Recently it was expressed as to why necessity is felt for the appointment of a Commission in certain matters? The object of appointing a Commission is that it should very carefully consider the matters entrusted to it. Similarly the demand for the establishment of a Board of Industries is for working out proposals to give impetus to the Cottage Industries, so that the country may be relieved of the existing unemployment and the economic depression and that the industries may develop. One Department cannot solve all these problems. A very reasonable request is made in this resolution for the appointment of a Commission consisting of official and non-official experts. This Commission will also tour the villages and will see as to which of the raw material can be had in abundance. Keeping in view all these circumstances it would also submit proposals to the Government regarding the setting up of industries in the State so that the country may become prosperous and the unemployment may become extinct. I hope the Government will accept this resolution.

MOULVI MOHAMMED ABDULLAH: I want to submit two things in this connection. There should be peace and order in the country and reforms should be introduced. Obviously the Government do their utmost to keep peace and order but the people should also co-operate with the Government in introducing reforms and making progress. Government should not devote its attention entirely to the administration of country but it should pay attention to the improvement and the progress of the country. There is every likelihood that the condition of the country may become worse and there will be difficulties in the way of the Government. Administration will automatically improve if reforms are introduced and development made in this country. Then there will be nothing in the country to disturb its peace and order. The Government want peace. But they

do not know that peace and order lies in reforms. They should therefore strengthen the root so that peace and order may be established.

The object of this resolution is to bring about reforms and progress in the country. Government, therefore, should not oppose it; but should accept it. It will prove very effective when this proposal is acted upon. There already exists a class that looks after peace and order, but the establishment of an Economic Board is also necessary for the introduction of reforms and for making progress. I, therefore, support this resolution. Sir, in support of the resolution which is before the House, I want to submit that at present the most lucrative occupations which can bring prosperity to the country are agriculture, trade and industries. On the basis of my own experience I can say that there is no part of the world that can equal this State in the matter of productivity of the soil. God showed special favours to this country which is unrivalled as regards its natural resources. But I would frankly say that there is no effective scheme for working out the mines and if ever any efforts were made, they proved fruitless on account of some selfish people. "Whence selfishness comes in, a case loses its merits and many a curtain comes before the eyes".

It is the duty of the gentlemen, who have come here and have the advancement of the country at heart, to improve the products of this country. They should add to the prosperity and happiness of this country by digging out the treasures of the State, that are lying embedded in the form of minerals.

Pandit Amar Nath Kak has requested in this resolution for the appointment of a Board for the improvement of industries. I support this resolution and I wish to state that if this Praja Sabha acts according to my advice then the resolutions regarding the development of industries and agriculture will surely be passed. A Board is sought to be set up through this resolution. The Board will inquire into the possibilities of the development of industries, agriculture and trade and will submit to the Council proposals with respect to these three things after ascertaining the needs of the people. The members of the Council one of whom is Hon'ble Mr. K. N. Knox, are present here. If they want to enhance the land-revenue they should try to improve the agriculture so that yield may increase and they should also improve the industries. I therefore support this resolution.

THE HON'BLE MR. K. N. KNOX (Revenue Minister): Mr. President, Sir, The Government are in no way opposed to the aim represented by the proposition of my hon'ble friend. The Government are anxious, as all the other members of the House would be, to promote and assist the new industries of small scale and large scale in the State. They are anxious to obtain the aid of non-official agency for achieving this aim. At the same time, I hope that the House will agree and I personally do feel that industries are making more progress in the State than many persons imagine. Since I came, here, it has been my special interest to study the various industrial problems of the State and I am glad to remark that Industries have developed during the last four or five years. I hope that more development will be made in the near future.

Government had recently under consideration a proposal which has been so often referred by the members of the Praja Sabha also, namely the appointment of a Director of Industries. Government are at present in negotiation with a certain candidate who is desirous of taking up the appointment. If this appointment is made, it would be his first duty to study the industrial conditions prevailing throughout the State and carefully go through the various pamphlets and bulletins that are being published from time to time by the Mineral Survey Department or by any other agency which is enquiring into the conditions of small scale and large scale industries and in light of the information gathered he will take action for industrial development in the State.

In the circumstances mentioned, I hope the hon'ble Member might see his way to allow the appointment of the Commission to wait over until the Director of Industries has had time to study and consider the various literature pertaining to the subject and make plans afresh for industrial expansion. It might be undesirable to appoint any Commission until we will have time to examine the proposal of the Director of Industries.

LALA HANS RANJ: It may be explained to us in Urdu.

PANDIT AMAR NATH KAK: I wish to submit only two things in reply to this. Firstly, that the negotiations are being carried on with the Director of Industries. It is a fact that the agriculture has been the main occupation since long, but no Working Organisation has yet been set up.

Secondly, that a commission should be appointed to organise the work. It will, perhaps, take months to appoint a Commission. After this the Council will have to secure

permission from His Highness. Much time is spent in this manner. The Director of the Industries, when he comes here, should co-opt in this connection and improvement of trade should be taken in hand at that time. Much time has passed now. A Board has been established under the Department of Industries, and its functions are governed by the Industrial Regulation. This all means that the Board can only consider and devote attention, if a person applies that he has started an industry and requires help for a certain project and that his capital be augmented. The functions of the present Standing Committee are very limited. Government should, in view of the present condition of the Board of Industries, enlarge the scope of the functions of Industrial Standing Committee, which is merely a consultative body. Neither the Board nor the Committee can launch an enquiry under the Act. There is no 'body' which can hold an enquiry. Industrial Standing Committee can only hold an enquiry under the constitution of Praja Sabha. This Committee cannot solve these questions I propose that the sense of the House be taken.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): I think votes should be taken on this resolution.

PANDIT AMAR NATH KAK: I want that it should be ballotted.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Those who are in its favour should write "Yes" and against it should write "No".

MIRZA M. A. BEG: (Addressing the Hon'ble Home Minister.) Where is your other friend.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): 39 votes are in favour and 28 against it.

NOTE.—The Hon'ble Revenue Minister left the Hall soon after the voting was over and Pandit Jia Lal Kilam said to him, "Have you walked over, Sir." (Laughter)

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): There is an amendment in the name of Sub: Khan Mohammed Khan. (Addressing him) would you move it?

SUBEDAR KHAN MOHAMMED KHAN: Sir, it is an obvious fact that *Illaqas* of Poonch and Chenani are comprised in the Jammu and Kashmir State. The laws that are enacted or enforced here are also applicable there. But several times they are not enforced in these *Illaqas* for a long time. The result is that the subjects of His Highness inhabiting the *Illaqas* of Poonch and Chenani are deprived of the benefits of those laws and orders while the people of other districts of the State are profited by them. I deem this amendment necessary because whatever be the force of the resolution Poonch and Chenani should be affected in the

same way as the Jammu and Kashmir State is affected by this resolution so that it may be useful to all the people of the State at one and the same time. With these words I move my amendment and I think the House will not object to it.

SHEIKH MOHAMMED AMIN : I support this amendment.

SHEIKH ABDUL HAMID : I think there is no harm if this amendment is accepted. Subedar Khan Mohammed Khan will also be able to represent his own *Ilaga* whenever the personnel of the commission is chosen.

LALA RAM LAL VAKIL : I also support it. This Commission should tour in Poonch also and should record evidence regarding local conditions. Our necessities should also be borne in mind.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I want to take the sense of the House with regard to it. The gentlemen, who are in favour of this amendment, should raise their hand.

(Hands were raised)

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : There is no opposition.

The amendment is carried.

After the words "of the State" the words "including Poonch and Chenani" will be added in the resolution.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Resolution No. 5.

NOTE.—The Assistant Secretary read out the following resolution of Khawaja Ghulam Mohammed Sadiq :—

"This Praja Sabha recommends to the Council that no customs duty be levied on any article of export from the State".

KHAWAJA GHULAM MOHAMMAD SADIQ : Hon'ble President I regret that my resolution has come at a stage when under rules it cannot be moved.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : So you do not move it.

KHAWAJA GHULAM MOHAMMED SADIQ : Yes Sir, I do not and I cannot move it under rules.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Resolution No. 6.

NOTE.—The Assistant Secretary read out the following resolution of Sheikh Mohammed Amin.

"In view of the inconvenience experienced by the public for want of a garden at the canal, this Praja Sabha recommends to the Council that a fine garden with fountains etc. be laid out at the Jammu canal."

SHEIKH MOHAMMAD AMIN : Sir I think there is no necessity

of elaborate discussion regarding this resolution. The fact that there is a great need for moving this resolution is quite evident to everybody. In the last Srinagar Session, in reply to my question regarding money spent by the Government for the maintenance of gardens under Agriculture Department i. e., gardens other than the Municipal gardens, it was stated that more than twelve thousand rupees were spent for the management and upkeep of these gardens. There was a garden, Ghulami Bagh by name, in Jammu. Many people used to go there during summer. So many people from cities like Sialkot, Wazirabad and Gujranwala, used to come and sit under the shady trees and enjoyed at the canal. Now Guest Houses have occupied the site of the garden. The people are experiencing great difficulty for want of the garden for there is neither any garden nor any such place near the canal where people may rest. It is a great necessity. Moreover there is an area just near the canal as would suit for the purpose of laying out a fine garden. The hawkers and tonga drivers will profit if the proposed garden is laid out. Whereas it will add to the beauty of the city, it will also lead to the betterment of the poor.

KHAWAJA GHULAM MOHAMMAD SADIQ: I second this resolution.

SHEIKH ABDUL HAMID: Feeling the urgency of this need I, also, support this resolution.

VOICES: (You have got a garden of yours near the canal).

SHEIKH ABDUL HAMID: Yes I have got a garden there. We will get rid of the trouble if a public garden is laid out there. Under the present circumstances we are encountering great loss. The people of the suburbs of the Jammu city also feel the need of such a place near the canal where people may recreate themselves. Therefore it is necessary that the Municipality should at once lay out a garden there because the area contemplated is within the Municipal limits. I am confident that the Hon'ble Finance Minister will soon arrange for laying out a garden there.

LALA HANS RAJ: A garden should be laid out at once provided the Government has sufficient money for the purpose.

THE HON'BLE FINANCE MINISTER THAKUR KARTAR SINGHJI: Sir, this matter is already under the consideration of the Municipality. The plot referred to is in the possession of Irrigation Department. I have sent the papers concerning it to the Hon'ble Home Minister and probably he has sent them to the Hon'ble Revenue Minister. No garden can be laid out unless some settlement is made with the Irrigation

Department. A garden will be laid out as soon as we get possession of that plot.

SHEIKH MOHAMMAD AMIN: Sir, it is why I have not stated any definite period in my resolution. Should I understand that you have accepted it?

THE HON'BLE FINANCE MINISTER THAKUR KARTAR SINGHJI: That is what I am saying. We accept it and whenever we get the possession, we will lay out a garden.

MR. PRESIDENT (The Hon'ble Sir Lalgopal Mukerji Kt.):

RESOLUTION No. 7 of MIAN AHMAD YAR.

NOTE.—The Assistant Secretary read out the following Resolution of Mian Ahmad Yar:—

“This Praja Sabha recommends to the Council that Rules 49 and 69 of the Rules of Business and Procedure of the Praja Sabha be so amended that a notice of fifteen days only may be deemed sufficient for the moving of any proposals excepting Bills or proposals which relate to the Budget”.

MIAN AHMAD YAR: Sir, my resolution is : (The hon'ble member read out his resolution again). The fact is that a notice of fifteen days was deemed sufficient at first for the moving of Bills and Resolutions other than the Budget Resolutions at the time of formulating Rules of Business and Procedure of the Praja Sabha when it was constituted in the State. Similary a notice of 21 days was required in the case of questions. Subsequently the Government felt the necessity of fixing such a period for the notice of questions as would enable them to get the replies in detail, because the *Illaqas* in the State are far flung and scattered with the result that the replies could not reach in time. Consequently the period for notice was enhanced and at the same time the period of notice for resolutions and bills was extended though there was no need of it; thus an unnecessary restriction was imposed on us. Generally there are different groups in the assemblies. They work together at one place when the session is near at hand, in order to submit weighty and useful resolutions before the House and to avoid repetition in the business without wasting time. Unlike that here one member sends his business from Kathua and the other from Bhadarwah. One member does not know as to what has been sent by the other and as a result of this the notice of the one and the same resolution is received from different members. Thus less useful work is done and more time is wasted by this. In view of these reasons, the real object of ours is lost. Therefore it is extremely necessary to fix a period of fifteen days for

sending the notices of Bills and Resolutions.

The amendment, in regard to questions, is in fact made on sound reasons. I have not proposed any amendment in regard to them in my resolution as I deemed it quite reasonable, but in the case of ordinary resolutions and bills, it is very necessary that the period of notice for them should be reduced and a notice of fifteen days should be deemed sufficient. A period of fifteen days is fixed for sending notices of ordinary resolutions and bills in the Indian Legislatures and other Provincial Legislatures. We have faced a great difficulty this time, because the period of sending in notices had lapsed on the day when the result of the by election was announced. The law as it stood was such that even the Hon'ble President was not competent to regularise it or to make any alteration in it.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): You want fifteen days for bills also?

MIAN AHMAD YAR: Yes, Sir.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): But it is not quite clear from the wording of the resolution.

MIAN AHMED YAR: I submitted my resolution in vernacular Sir, and the Urdu is quite clear. I have asked for a notice of fifteen days for the moving of bills and resolutions other than the Budget resolutions.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): You make exception only in the case of Budget resolutions.

MIAN AHMAD YAR: Yes, sir,

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.):

So the words should be any resolutions or bill except the resolutions relating to the Budget".

You mean that for resolutions relating to the Budget, the present rules should stand and for bills and other resolutions a notice of fifteen days should be considered sufficient.

The Hon'ble Home Minister will kindly make it clear.

THE HON'BLE MR. WAJAHAT HUSSAIN (Home Minister): Unfortunately the translation does not tally with the Urdu version. The English version is that a notice of fifteen days only may be deemed sufficient for the moving of any proposals excepting bills or proposals which relate to the Budget.

Now the learned mover says that he made exception only in the case of Budget resolutions and in the case of

no other thing, and reference is made to Sections 49 and 69. It is quite clear that the interpretation given by the mover is quite correct.

PANDIT LOK NATH SHARMA : I raise a point of order, Sir, under Section 7 (h) of Regulation No. 1 the resolution itself, as it proposes a change in the Rules of Business, cannot form part of a subject matter of discussion in this Assembly : [Read out Section 7 (h)]. Since the resolution is in the form of a recommendation to the Assembly, my submission is that the Council is not authorised to deal with this by virtue of Section 7.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Your contention is that Rules of Business and Procedure cannot be amended.

PANDIT LOK NATH SHARMA : Sir, my contention is that they cannot form a part of discussion in the Assembly. Assembly cannot discuss or deal with the Rules of Business. (Read out Section 7).

My submission is that even Council is not authorised to deal with these.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Is it so ?

PANDIT LOK NATH SHARMA : Yes, Sir.

MIAN AHMED YAR : The objection that has been raised is that under Section 7 ; neither this House nor Council is competent to consider this resolution and alter the existing regulation. In reply to this objection I submit that our considering the resolution does not mean a decision of the matter. My submission is that a system should be evolved by which the final sanction of His Highness the Maharaja Bahadur may be secured after considering it as is done by the Council which after making a proposal secures the final sanction of His Highness the Maharaja Bahadur. This is only a suggestion. It is not stated in this resolution that the Praja Sabha should consider it or that it should pass any law to the effect. The Council and the House, in fact, has a right to make suggestions.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Can a point of order be discussed by the House.

KHAWAJA GHULAM MOHAMMED SADIQ : Yes Sir, I want to invite your honour's attention to page 1 of Rules of Business and Procedure, which reads :

"The following Rules of Business and Procedure for Jammu and Kashmir Legislative Assembly have been made by the Council of Ministers of the State under Section 16 of Regulation No. I of 1991 and may be cancelled, amended,

or otherwise modified by the same authority."

Therefore it is evident that the Council, which has made these Rules is competent to amend them.

PANDIT LOK NATH SHARMA: After Section 16 if you carefully consider Section 7, you will find that no discussion can take place on the floor of this House on the following points:—

(He read out the sub-section from "a" to "h" of Section 7 of Regulation No. I of 1991)

Under sub-section "h" of Section 7 this cannot form a part of the discussion.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.): Mr. Lok Nath Sharma an hon'ble member of the House has taken exception to the resolution No. 7 of to-day standing in the name of Hon'ble Mian Ahmed Yar. He raised a point of order and it is this. The resolution recommends to the Council an amendment of rules 49 and 69 of the Rules of Business and Procedure of the Praja Sabha and the Council is not in a position under Regulation No. I of 1991 to make any such amendment and therefore the resolution cannot be brought before the House. It was further argued that under Section 7 of the said Regulation the Assembly, that is to say the Praja Sabha, is forbidden from discussing "the provisions of this Regulation and the rules thereunder and their repeal or modification".

This very objection was raised by my office when the resolution was put up before me for orders. On that occasion I had to consider Section 7 clause (h) of Regulation No. I of 1991, Section 16 of the said Regulation and the heading of the Rules of Business and Procedure. The conclusion that I arrived at was that the resolution was maintainable. That conclusion was arrived at without hearing the hon'ble member who has now raised the point of order and without hearing the hon'ble member who sought to move the resolution. Having heard these two hon'ble members and also having heard other members who chose to speak on the subject I have come to the conclusion that the *ex-parte* conclusion that I arrived at is the same at which I should now arrive. The order that I had passed was recorded in *extenso* and runs as follows:—

"The question to be decided in view of these resolutions is whether the Rules of Business can be amended by the Council. The Regulation No. I of 1991 by Section 7 reserves certain matters from the purview of the Council and the Praja Sabha. Out of these one clause (h) runs as follows:—

“ ‘The provisions of this Regulation and the rules thereunder and their repeal or modification’.

“The Rules of Business for the Praja Sabha were framed in pursuance of Section 16 of Regulation No. I of 1991 which runs so far as is material as below :—

“ ‘The Council shall provide by rules under this Regulation for regulating the course of business etc.’

“The rules themselves recite in the preamble that they were made under Section 16 of Regulation No. I of 1991 and that they may be cancelled, amended, added to or otherwise modified by the same authority.

“It is an ordinary principle of law that an authority which can make a rule may also cancel it or modify it. In this view Section 16 of Regulation No. I of 1991 has been properly interpreted in the preamble of the Rules of Business.

“The question for consideration is whether the interpretation is open to any doubt in view of the language of clause (h) of Section 7. The question is not free from difficulty but the idea seems to be clear. It is no where said that the rules framed by the Council under section 7 will have to be sanctioned by His Highness the Maharaja Bahadur. As I have said the rule making power carries with it the power to alter or modify or cancel the rules. In this view the words “rules thereunder” must be read as the rules as contained in the Regulation No. I of 1991 itself. It is significant that the usual word “framed” is not to be found after the word “rules” in clause (h) Section 7 of the Regulation.

“As it is open to the Council to modify the Rules of Business I admit these resolutions.”

I therefore declare that the resolution can be moved.

MIAN AHMED YAR : As regards the language I want to submit that there are two separate sentences implying different meanings. The original resolution is : (Reads out the resolution.)

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : Will you please read your resolution slowly ? I want to follow it word by word.

MIAN AHMED YAR : (After reading the resolution slowly) What I mean to submit is that an amendment is necessary to be made in Rules 49 and 69 of the Rules of Business ; and fifteen day's notice should be considered enough for moving of resolutions, other than the Budget Resolutions and Bills. The period of notice for moving resolutions under

Rule 69 and of bills under Rule 49, as provided in the existing Rules of Business, is very long and great trouble is being felt on this account. There is no such restriction imposed by the Government in the Central Legislature of British India and the questions are submitted till the last. It is, in fact, a difficulty over here and it is with the object to remove it that this resolution is being moved. I hope this will be accepted.

MIRZA M. A. BEG : I support this resolution.

PANDIT RAM NATH SHARMA : Sir, before dealing with this resolution I deem it necessary to say that the prestige of this House is dear to the Government. Government is very keen about putting into practice all such resolutions as are passed by this House. The resolution to enhance the period of notice is being moved. Recently the Government have amended the existing Rules with regard to period of notice. We have not yet seen as to how the amendment made by the Government will work and whether in the light of experience it proves suitable or some alterations are necessary. The mover would have been justified in moving this resolution, if from experience the need of making alterations had been felt. He has himself admitted that the amendment is proper to some extent.

So far as the period of notice for questions is concerned, I would submit that the existing amendment is proper. Now as regards the bills and resolutions a question arises, whether the period of notice should be shortened or not. To this I would say that as the mover himself very well knows the period prescribed before the amendment approved by the Government came in force was the same as is now recommended by him. Government thought fit to enhance the period in the case of the resolutions and bills, because the bills had to pass through many stages before reaching the final stage of being introduced in the House. For instance, when a member gives notice of a bill, the Hon'ble President has to consider about its admissibility. He has to consult the provisions if it is not admissible. The bill is then sent to the Council and is circulated among the Hon'ble Ministers. It is translated in the Praja Sabha Office. It takes time to do all this. The proposed period of 15 days is quite insufficient in view of these considerations. In fact, all this cannot be done in such a short period. Similarly good deal of time is required in the case of resolutions too. Government have no desire to turn down this resolution

or to compel the mover to withdraw it. But the experience has shown that it requires more time to discharge the work in a satisfactory manner. If the mover desires that the previous period of notice in the Rules be restored difficulties would arise in the disposal of the work due to the want of time. The Government will have no objection in doing it if after some time it is found that a notice of 15 days can be deemed sufficient for this purpose and no difficulty is experienced. In these circumstances I request the mover to withdraw this resolution, otherwise it will be opposed by the Government.

MIAN AHMED YAR: I would submit that no difficulty can be felt on account of period being short. In the beginning, the period was counted upto the opening of the Praja Sabha Session. Now, the period has been at once raised from 15 days to 60 days. No proportion has been considered. The Hon'ble President and his office get ample time before the Session begins for settling every thing. By enhancing the period it is being said that Government should have time to think. The public should also have time to think. We cannot represent the public in the true sense of the word if we are not given sufficient time to think. A period of 15 days is by no means short. A period of 5 or 6 days for the resolutions and 9 or 10 days for the bills is quite sufficient. There would be five or six bills at the most in a session. This period is sufficient for it. The same period is fixed even in British India and no difficulty is experienced there.

LALA HANS RAJ: I support Mian Ahmed Yar.

THE HON'BLE PRIME MINISTER (Dewan Bahadur N. Gopala Swami Ayyangar): Sir, I rise only to say a few words before the resolution reaches its conclusion. There is no intention on the part of the Council to obstruct the members in the matter of bringing up resolution before the Assembly and discussing them. If a change has been made in the time limit originally fixed in the rules, it has been made to make it convenient for the hon'ble members to have their resolutions debated in the best possible conditions. I quite recognise, Sir, that the time limit now fixed is perhaps too long in the case especially of resolutions. With regard to bills, the Hon'ble members will, I hope, grant more time; as I think, the more the time allotted to the examination of bills the better it would be both for the Hon'ble members of the House and the Government.

With regard to resolutions, I am therefore prepared to agree that the time limit is too long and I think, Sir, that

we should try our best to help the hon'ble members to bring up as many important questions for discussion before the Assembly as possibly can be done. The rules and regulations in this behalf in British Indian Legislatures, however, require to be examined in order to see how far the recommendations contained in the resolution can be acceptable to the Government. The Government are quite prepared to reconsider the matter of the time limit but beyond that it is not possible for me to say whether we can accept the time limit actually proposed in the resolution. In spite of this assurance of mine the resolution is put to vote I am afraid the Government at present will have to oppose it.

In view of these remarks I hope the hon'ble mover will see his way to withdraw this resolution.

MIAN AHMED YAR: Sir I want to enquire whether the time limit which is allowed in the Indian Legislature will be kept in view in deciding the question.

THE HON'BLE PRIME MINISTER: Certainly.

MIAN AHMED YAR: So I withdraw my resolution.

RESOLUTION No. 8.

The Assistant Secretary read out the resolution as under:—

“This Praja Sabha recommends to the Council that Judicial powers be withdrawn from the officers of the Forest, Customs and Games Preservation Departments”.

KHWAJA ALI MOHAMMAD: I move this resolution and the House should pass it.

MIRZA MOHAMMAD AFZAL BEG: I support it. I hope that keeping in view this principle the circumstances should be controlled.

HAJI AHMED ULLAH SHAHDAD: I further support it.

SHEIKH ABDUL HAMID: Great injustice is being done by the officers of these departments. I beg to request that the powers must be withdrawn from them. I support this resolution.

PANDIT LOK NATH SHARMA: I also support it.

PANDIT RAM NATH SHARMA: Sir, as I have already stated, the prestige of Praja Sabha is very dear to the Government.

SHEIKH ABDUL HAMID: And this resolution should be passed.

PANDIT RAM NATH SHARMA: You will come to know this just now. Government do not want that the wishes of the House may in any way remain unfulfilled. Rather the

Government want that no measure in force should be repealed unless due consideration is given to it. The Hon'ble Judicial Minister has issued orders before this resolution was moved in the House to the effect that Rules be submitted under which the powers are conferred on the Departmental Magistrates and that a report be submitted as to whether it is proper to invest them with such powers. Moreover, he has been pleased to order that all papers concerning it should be submitted to him at Srinagar. I want to submit that every case should be thoroughly considered. It cannot be said that the powers of the magistrates be withdrawn without carefully examining the position.

SHEIKH ABDUL HAMID: Even if it is unnecessarily immitating.

MIRZA MOHAMMAD AFZAL BEG: There is no need of immitating. We are satisfied.

PANDIT RAM NATH SHARMA: The mover has brought forth three proposals in this resolution. Firstly that the powers conferred on the Customs officers to deal with the offences relating to Customs Department be withdrawn; secondly, the powers conferred on the Game Preservation Department be withdrawn, and thirdly that magisterial powers be not given to the officers of the Forest Department. I want to say that all these three cases cannot be judged on the same principle. The powers conferred on Customs officers, are different from the powers entrusted to the Games Preservation Department. Similarly the powers given to the Forest Department are of different nature.

I will first deal with the Customs Department. The powers of the magistrates of the Customs Department.....

SHEIKH MOHAMMAD AMIN: Will you deal with all of them? It will take you five minutes to deal with each of these.

MAJOR GENERAL JANAK SINGHJI: You can send for water.

SHEIKH ABDUL HAMID: Serve him with lemon-squash.

HON'BLE PRESIDENT: He would not leave without finishing it.

PANDIT RAM NATH SHARMA: It is you and not I who wish to delay. The powers of the Customs Officers.....

KHAWAJA GHULAM MOHAMMED SADIQ: I move that the question can be put under Rule 38.

JUDICIAL SECRETARY: There have been no speeches on the resolution.

THE HON'BLE HOME MINISTER (Mr. Wajahat Hussain): He must finish it.

PANDIT RAM NATH SHARMA: (Addressing to Khawaja Ghulam Mohammed Sadiq) You cannot get up in between.

The learned mover desires that powers conferred upon the Customs officers be withdrawn and should not be given in future. Now it is to be seen whether, according to the order issued by the Hon'ble Judicial Minister, the officers of Custom and Excise Department should have these powers or not. What order can be passed with regard to it.

SARDAR DHYAN SINGH : Only two minutes left.

PANDIT RAM NATH SHARMA : I should have time to consider all these things. There is no reason why the powers of the Customs officers should be withdrawn. There is a point very relevant to it and that is as to what are those powers. (Laughter).

It is now important to see whether these powers are such as can be exercised by the stipendiary magistrates.

LALA SHIV NATH NANDA : What are those ? Please explain.

PANDIT RAM NATH SHARMA : The powers used by the Customs Officers should not remain with the other magistrates. The stipendiary magistrates cannot use them. The Customs magistrates have to see as to what duty is payable on imported and exported goods and what loss is incurred by the State if it is not paid. The stipendiary magistrates cannot form any opinion in these departmental cases. They will record evidence and it will take about three months in recording it. This will mean great difficulties for the person who has infringed any rules of the Customs Department.

LALA SHIV NATH NANDA : Sir, the question pertains to the Forest Department.

PANDIT RAM NATH SHARMA : I will come to that also.

MR. PRESIDENT (The Hon'ble Sir Lal Gopal Mukerji Kt.) : I have to make two announcements in the House.

NOTE.—(All the members and visitors stood up to hear the Announcements).

“Under Clause (a) of Section 18 of Regulation No. 1 of 1991, His Highness the Maharaja Bahadur has been pleased to extend the normal term of the present Praja Sabha till the close of the Budget Session of 1937 at Srinagar.

By Command,

31-3-1937 }

(Sd). KHUSRU JUNG
PRIME MINISTER.

NOTE.—(The Hon'ble President then read out the following Order of His Highness the Maharaja Bahadur for proroguing the Jammu Session April 1937 of Praja Sabha.):

“Under Section 20 of Regulation No. 1 of 1991, We hereby command that the current Session of the Jammu, and Kashmir Praja Sabha do stand prorogued until such date as shall be hereafter fixed by us.”

(Sd.) HARI SINGH

MAHARAJA

JAMMU,
The 29th April 1937. }

G. C. S. I., G. C. I. E., K. C. V. O., A. D. C.

This Resolution which was before the House will be taken to have been talked out.

I wish you all good-bye and good luck.

NOTE.—(The House adjourned with cheers.)

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